



Gettysburg
HISTORIC CROSSROADS

Gettysburg Zoning Hearing Board

59 East High Street
Gettysburg, PA 17325
www.gettysburgpa.gov

ZONING HEARING BOARD MEETING AGENDA

Wednesday, April 26, 2023 at 7:00pm | Borough Council Chambers

I. Convene Meeting

II. Review and Approve Agenda

III. Review and Approve January 25, 2023 Minutes

IV. Case # ZHB-230001

Applicant Simpson, Rodney G.

Property Affected 322 Baltimore St

Applicant's Request The applicant seeks a Variance from Section 27-1524.UU(8) of the Gettysburg Borough Zoning Ordinances to permit the property to be operated with two Vacation Rentals.

V. Additional Business

VI. Adjourn

Property Address: 322 BALTIMORE ST.

Application to Gettysburg Borough Zoning Hearing Board



1. Type of Matter

- A - Special Exception per Ordinance Section (s): _____
- B - Variance from Section(s): _____
- C - Change or expansion of nonconforming use, Section(s): _____

2. Applicant Name(s): ROD SIMPSON

Mailing Address: 199 PLANK RD GETTYSBURG PA 17325

Phone: 717-752-0713 Fax: —

3. Property Owner(s): ROD SIMPSON

Mailing Address: 199 PLANK RD GETTYSBURG PA 17325

Phone: 717-752-0713 Fax: —

4. Applicant's Agent or Representative, if any:

Name NA

Mailing Address: _____

Phone: _____ Fax: _____

5. Applicant's Legal Counsel, if any:

Name: NA

Mailing Address: _____

Phone: _____ Fax: _____

6. Property Covered By Application

Address or location of Property: 322 BALTIMORE ST. GETTYSBURG PA

Tax Map and Parcel # #16010-0377-00
(Attach copy of Tax Map)

Current Zoning District: HISTORIC DISTRICT - COMMERCIAL

Applicable Zoning Overlays, if any: _____

3. Please answer the following questions regarding the property:

- a. Yes No The proposed use is consistent with the Purpose of the Part whereby it is permitted, and the overall purposes contained in the Borough's Zoning Ordinance Chapter 27, Part 1 Community Development Objectives.
- b. Yes No The proposed use and its location is generally consistent with the Comprehensive Plan, and the current Gettysburg Borough Zoning Map.
- c. Yes No The proposed use meets with the lot requirements and the building height of the district where it is proposed.
- d. Yes No The proposed use is meets ALL applicable General and Supplemental Regulations set forth in the Zoning Ordinance, Part 13, Part 15, and, if applicable, the Design Standards, Part 19.
- e. Yes No The proposed use will not substantially detract from the use of neighboring property or from the character of the neighborhood, and that the use of the adjacent property is adequately safeguarded. Further, the proposed use, located on the proposed property, with the present and proposed characteristics of each, and considering the present and proposed characteristics of the neighboring properties, will not cause negative impacts over and above those typically associated with such uses located and operated in a usual manner.
- f. Yes No N/A The proposed use will provide a fence or a planting screen and/or additional yard or open space area to reduce the effect of the proposed use upon adjacent properties.
- g. Yes No N/A The proposed use will promote preservation or adaptive reuse of the site and structures identified by the Borough Historic District regulations.
- h. Yes No N/A The proposed use complies with the required off-street parking and loading regulations in the Zoning Ordinance, Part 13.
- i. Yes No The proposed use will provide safe and adequate access to streets and that the Applicant will make any improvements needed to guarantee compatibility with adjacent streets as recommended by the Borough Engineer.
- j. Yes No The proposed use will provide for pedestrian access to the site.
- k. Yes No The proposed use will not adversely affect public facilities and utilities such as water, sewer, police and fire protection, schools, etc.
- l. Yes No N/A The proposed use will comply with the signage regulations of Chapter 19 of the Borough's Code of Ordinances.

B. Variance

Purpose and Applicability: A variance is relief from a specific provision of the Zoning Ordinance. Zoning Ordinance requirements apply across an entire district. Because each individual property is unique, it is possible that a specific Zoning Ordinance requirement could impact a property in an unequal, unfair or arbitrary manner, i.e. in a way different from other properties in the district. If the Zoning Ordinance imposes an "unnecessary hardship" on the property, as determined by the following five specific criteria, the Zoning Board is permitted to grant a variance.

Please answer the following questions regarding the property:

1. Yes No There are unique or peculiar physical circumstances or conditions including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Ordinance in question that are not shared by other properties in the vicinity.

Describe why the property is different from the other properties in the district:

- THIS PROPERTY AT 322 BALTIMORE WAS BUILT IN THE 1840'S
- THE HOUSE WITNESSED THE BATTLE OF GETTYSBURG AND PRESIDENT LINCOLN RIDING DOWN BALTIMORE ST. TO DELIVER THE GETTYSBURG ADDRESS
- THE PEOPLE WHO HAVE RENTED LOVE THE FACT OF THE HOUSE BEING HERE AND PRESENT DURING THAT TIME PERIOD.

2. Yes No That because of such unique or peculiar physical conditions, there is no possibility that the involved property can be developed in strict conformity with the provisions of this ordinance, and that the authorization of a variance is necessary to enable reasonable use of the property:

Describe why the property cannot be used in conformity with the Ordinance:

- HOPEFULLY I CAN STILL USE THE PROPERTY AS 2 APT. FOR VACATION RENTALS
- ABOUT 25% OF MY RENTERS ARE REPEAT CUSTOMERS WHO ARE VERY INTERESTED IN THE BATTLE AND SURROUNDING AREAS OF HISTORY.
- I HAVE MAINTAINED FRIENDSHIPS WITH A LOT OF RENTER-CUSTOMERS OVER THE YEARS. AND SOME HAVE GOTTEN TO KNOW WELL.

Property Address: 322 BALTIMORE ST GETTYSBURG

3. Yes No That such unnecessary hardship has not been created by the applicant:

Describe how the hardship was created:

INVESTED IN PROPERTY RENTAL FOR RETIREMENT INCOME.

4. Yes No

That the variance requested, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental for public welfare.

Describe how the variance will impact the neighborhood:

- *WHEN I PURCHASED THE PROPERTY I DID NOT KNOW ANY OF THE NEIGHBORS*
- *OVER THE YEARS HAVE GOTTEN TO KNOW THEM QUITE WELL I RECEIVE X-MAS CARD - BIRTHDAY CARDS KEEP IN TOUCH WITH THEIR KIDS.*
- *I RENT A FEW TIMES A YEAR OVER THE HOLIDAYS TO SOME OF THE FAMILYS THAT COME HOME TO TOWN TO SEE PARENTS - GRANDPARENTS ETC.*

5. Yes No That the variance requested represents the minimum variance that will afford relief and will represent the least modification possible of the Ordinance:

Describe why this is the least possible modification to the Ordinance:

THE PEOPLE I PURCHASED THE PROPERTY FROM WERE USING AS A 3 STORY APT. RENTAL. I AM ONLY USING PROPERTY AS A 2 UNIT PROPERTY LESS PARKING USED LESS PEOPLE ETC.

Unless the answer is "Yes" to ALL of the above, and evidence in the form of testimony or documentation is provided, the Zoning Board cannot grant a variance.

C. Expansion or Change of Nonconforming Land Use

Purpose and Applicability: In certain limited cases, a nonconforming use may be expanded, or a different nonconforming use may be made of a property. See Zoning Ordinance Part 14.

1. Describe the proposed expansion or change in nonconforming use:

NA

2. Describe why the expansion or change is not detrimental to the character of the district or the interests of the Borough:

- GETTSBURG SHOULD BE ABOUT TOURISTS & WANTING TO SHARE ALL THE HISTORY WE HAVE HERE.
- THE HOUSE IS IN THE HISTORICAL DISTRICT PEOPLE LOVE THE IDEA OF STAYING IN A CIVILWAR ERA HOME.



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Gettysburg Planning Department
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To: Gettysburg Borough Zoning Hearing Board

From: Carly Marshall, Borough Planning Director
Zoning Officer

CC: Matt Teeter, Zoning Hearing Board Solicitor

Date: April 19, 2023

RE: ZHB-23-001 Simpson, 322 Baltimore St
Variance Application
Two Vacation Rentals on One Property

The following memorandum provides background information regarding a request for a variance from the owner of the above-referenced property.

A. PROJECT INFORMATION

1. **Name of Project:** ZHB-230001 Simpson, 322 Baltimore St
2. **Type of Project:** Variance
3. **Project Address:** 322 Baltimore Street
4. **Case Number:** ZHB-230001
5. **Zoning:** (RO) Residential Office District
(H) Historic District
(SEO) Streetscape Enhancement Overlay
6. **Property Owner:** Rodney Simpson
199 Plank Rd
Gettysburg, PA 17325
7. **Applicant:** Rodney Simpson
199 Plank Rd
Gettysburg, PA 17325
8. **Submission Date:** A complete application was submitted to the Zoning Officer on March 10, 2023.
9. **MPC Timeline:**
 - The applicant was notified of the April 26 hearing date via First Class Mail on March 31, 2023.
 - The hearing was advertised in the Gettysburg Times on April 6, 2023 and April 13, 2023.
 - The 5 adjacent property owners were notified of the hearing via letter mailed first class on April 20, 2023.
 - The property was clearly posted with signs on April 19, 2023.

10. **Planning Commission Review:** The Gettysburg Planning Commission reviewed the application at their meeting on April 17, 2023, and provided their recommendation to the Zoning Hearing Board in a letter dated April 18, 2023, attached.

B. BACKGROUND INFORMATION

1. Proposed Action.

The applicant requests the grant of a Variance from Section 27-1524.UU(8) of the Gettysburg Borough Zoning Ordinance. The property is located in the RO Residential Office District, the Historic District, and the Streetscape Enhancement Overlay district.

2. Site History.

There is no record of previous applications for Variance or Special Exception for this property.

The subject property had two building permit applications submitted in 2018 and 2019 that disclosed the use of the property as transient rental (building roof replacement project submitted 12/6/2018, and portico roof project submitted 12/6/2018, resubmitted 11/4/2019), however no Land Use approval or Certificate of Occupancy for that use have been issued for the property. Copies of the applications and resulting permits will be provided to the Zoning Hearing Board at the hearing on April 26.

3. Relevant Zoning Sections.

a) DEFINITIONS

VACATION RENTAL *A dwelling unit that is available for use or is used for short-term lodging, and where such lodging is provided for compensation, and where the dwelling unit is not concurrently occupied by the operator of the use.
[Added by Ord. No. 1481-21, 10/12/2021]*

SHORT-TERM LODGING *Any dwelling unit or portion thereof that is available for use or is used for transient lodging, and where such lodging is provided for compensation. Includes homestay and vacation rental uses as defined herein.
[Added by Ord. No. 1481-21, 10/12/2021]*

DWELLING UNIT (DU) *One or more rooms, with separate cooking and bath facilities, used or designed for use by one or more persons maintaining a common household, with access directly from outdoors or through a common entrance.
[Amended by Ord. No. 1481-21, 10/12/2021]*

b) PART 8 RESIDENTIAL OFFICE DISTRICT (RO)

§ 27-801 Purpose.

The purpose of this Part is to provide for offices, select businesses, residential uses and other compatible uses within the Baltimore Street/Carlisle Street Corridor and at other select locations in a manner that respects and preserves the special character of these areas. Adaptive reuses are encouraged that preserve the viability of the larger structures within these areas.

27-802 Uses Permitted by Right.

Vacation Rental is a use permitted by-right in the Residential Office District.

c) PART 15 GENERAL AND SUPPLEMENTAL REGULATIONS

§ 27-1524 Additional Requirements for Certain Specific Principal Uses.

UU. Vacation Rental Use.

[Added by Ord. No. 1481-21, 10/12/2021]

- (1) The operator of a vacation rental use shall, at all times while the property is being used as a vacation rental, maintain a contact person/entity on record with the Borough within a fifteen-minute drive of the property. The contact person or entity must be available via telephone 24 hours per day, seven days per week, to respond to complaints regarding the vacation rental use.*
- (2) A written notice shall be conspicuously posted inside each vacation rental unit setting forth the name, address and telephone number of the contact person required herein. The notice shall also set forth the address of the vacation rental use, the maximum number of vehicles permitted to park on-site, and the day(s) established for garbage collection.*
- (3) Only one rental booking shall occur per dwelling unit per night. Multiple separate overnight accommodations in a single dwelling shall be prohibited.*
- (4) Food, drink, or meals shall not be provided for compensation.*
- (5) On-site advertising of a vacation rental use shall be limited to one sign with a maximum size of four square feet, and shall be prohibited outside the TC, GC, OT, HC and RO Districts.*
- (6) Any required exterior improvements to the building, such as those required to meet applicable fire safety requirements, shall be located to the rear of the building and shall not detract from the residential character of the building.*
- (7) The operator of a vacation rental use must demonstrate registration with the Adams County Treasurer's Office in compliance with County Ordinance No. 2 of 2018, as may be amended, for the payment of hotel room rental tax.*
- (8) A vacation rental use shall be limited to only one such use per each property, parcel or lot.*
[Added by Ord. No. 1484-22, 9/22/2022]

d) PART 17 ZONING HEARING BOARD

§ 27-1704 Standards for Zoning Hearing Board Action.

In any instance where the Zoning Hearing Board is required to consider a special exception or variance in accordance with the provisions of this Part, the applicant shall provide evidence to allow the Board to, among other things, consider the following standards. The Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

A. For Variances:

- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.*
- (2) That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.*
- (3) That such unnecessary hardship has not been created by the appellant.*

- (4) *That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.*
- (5) *That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.*
- (6) *In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this chapter.*



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MEMO

To: Borough of Gettysburg Zoning Hearing Board
From: Carly Marshall, Director of Planning, Zoning and Code Enforcement
Date: April 18, 2023
Re: **Planning Commission Review**
ZHB-230001 Simpson; 322 Baltimore Street
Application for Variance from Section 27-1524.UU(8) to allow two Vacation Rental uses at 322 Baltimore Street

At its meeting on Monday April 17, 2023 the Borough of Gettysburg Planning Commission reviewed the above-mentioned application to make recommendations, pursuant to Section 27-1703 of the Borough Code of Ordinances which states, "All requests for variances and special exceptions will first be sent by the Board to the Gettysburg Planning Commission for review and recommendation."

The Planning Commission voted unanimously to recommend the denial of the request for a Variance from Section 27-1524.UU(8) in consideration the following:

1. The application does not demonstrate the hardship requirements for a Variance prescribed in the Pennsylvania Municipalities Planning Code.
2. There is no evidence to suggest that the property cannot be used for other lawful purposes, such as long-term rentals.

Respectfully Submitted,

Carly Marshall, AICP
Zoning Officer
Director of Planning, Zoning and Code Enforcement
Borough of Gettysburg
cmarshall@gettysburgpa.gov