



## ZONING HEARING BOARD MEETING AGENDA

Wednesday, September 27, 2023 at 7:00pm | Borough Council Chambers

I. Convene Meeting

II. Review and Approve Agenda

III. Minutes

- A. Review and approve April 26, 2023 meeting minutes
- B. Review and approve June 28, 2023 meeting minutes
- C. Review and approve July 12, 2023 meeting minutes
- D. Review and approve July 26, 2023 meeting minutes

IV. Case #

ZHB-230002

Applicant

501 Richardson Acquisition, LLC

Properties Affected

44 South Street (Tax Parcel ID #16010-0406---000)

Applicant's Request

The applicants seek a variance from Sections 27-502, 27-503 and 27-5A09 of the Gettysburg Borough Zoning Ordinance to permit the property to be used as a Vacation Rental.

V. Additional Business

VI. Adjourn





## Application to Gettysburg Borough Zoning Hearing Board

### Special Exception / Variance

Applications must be made to the Zoning Officer by the first of the month. A hearing shall be scheduled only upon receipt of the following:

1. The completed application (original). Submit only those pages that are applicable to the type of application.
2. Fourteen (14) copies of the floor plan, plot plan and/or survey, images, and other relevant information. Each application must include at least one drawing and/or sketch indicating the actual outline of the lot, setback requirements, and existing structures.

Where construction or renovation is proposed, drawings must also indicate changes to existing structures, any new proposed structures or units, and type of construction. All plans must include dimensions, and if applicable must also show improvements, public easements, individual easements, improvements to public right of ways, common areas and any other items necessary to explain the reasons for the hearing application.

3. Fee of \$ 1,000.00.

#### **Additional notes regarding zoning hearings:**

- It is the Applicant's responsibility to complete this application and provide all of the required information. Failure to do so will delay the hearing date.
- Applicant should carefully review the Zoning Ordinance for complete information on zoning regulations, zoning hearing procedures, and other pertinent information.
- Applicant or Applicant's designated representative must attend the zoning hearing, and should attend the Planning Commission meeting held prior to the hearing as well.
- At the hearing, the Applicant must provide the Zoning Board with "substantial evidence" to allow it to make the findings required by the Zoning Ordinance.
- Specific legal standards must be met before the Zoning Board may approve a special exception or variance. Although not required, Applicant is encouraged to consult with legal counsel regarding those legal standards.
- Application materials, including plans, sketches, drawings and photographs, become part of the permanent record and cannot be returned.

*Failure to provide required information will delay your hearing*

Property Address: 44 South Street

## Application to Gettysburg Borough Zoning Hearing Board

### 1. Type of Matter

*\*Complete and return only the pages relevant to the type of matter you are applying for.*

A - Special Exception per Ordinance Section (s): \_\_\_\_\_

B - Variance from Section(s): 27.502-503 and 27-5A02

C - Change/expansion of nonconformity, Section(s): \_\_\_\_\_

D - Zoning Appeal, Section(s): \_\_\_\_\_

2. Applicant Name(s): Michael and Christine Villanti

Mailing Address: 174 East 21 Street, Huntington Station, NY 11746

Phone: (516) 313-6047 Email cmvillanti@gmail.com

3. Property Owner(s): Michael and Christine Villanti

Mailing Address: 174 East 21 Street, Huntington Station, NY 11746

Phone: (516)-313-6047 Email: cmvillanti@gmail.com

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

Name \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

5. Applicant's Legal Counsel, if any:

Name: Craig Sharnetzka, Esquire of CGA Law Firm

Mailing Address: 135 N. George Street, York, PA 17401

Phone: (717) 848-4900 Email: csharnetzka@cgagalaw.com

6. Property Covered By Application

Address or location of Property: 44 South Street, Gettysburg, PA 17325

Tax Map and Parcel # 16010-0406---000

(Attach copy of Tax Map)

Current Zoning District: R-2 (Moderate Density Residential District)

Applicable Zoning Overlays, if any: Elm Street Overlay

# Adams County Tax Parcel Viewer Map



7/24/2023, 3:36:44 PM

- Municipal Boundary
- Parcel Boundary
- Street Centerline
- Address Points



## 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:

See Exhibit A.

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:

See Exhibit A.

Property Address: 44 South Street

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

Describe how the hardship was created:  
See Exhibit A.

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:  
See Exhibit A.

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:  
See Exhibit A.

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.



# EXHIBIT A

## VARIANCE APPLICATION NARRATIVE 44 South Street, Gettysburg, PA 17325 UPI #: 16010-0406---000

### I. FACTUAL BACKGROUND

Mr. and Mrs. Michael and Christine Villanti (“Applicants”) recently purchased the real property situate at 44 South Street, Gettysburg, PA 17325 (UPI #: 16010-0406---000) (“Property”) in the Borough of Gettysburg (“Borough”), Adams County, Pennsylvania. The Property is approximately 3,485 sq. ft. in size and is located within the R-2 (Moderate Density Residential District). The Property is located within forty-two (42) feet from the Residential Office District.

Applicants were misled to believe that they could utilize the Property as a short-term/Airbnb rental. Applicants started to rent the Property. Shortly thereafter, Applicants received a cease and desist letter from the Borough stating that they were operating an illegal short-term rental. Applicants do not reside at the Property and currently live in New York.

As such, there is no present use of the Property. The proposed use for the Property would be for it to act as a vacation rental for visitors and tourists to the area. Ultimately, Applicants are requesting the use variance from the Borough in order to finally utilize the Property and have it be utilized as a vacation rental.

### II. REQUESTED ZONING RELIEF

#### A. The Property is Different from Other Properties in the District.

The Property is only a mere forty-two (42) feet from the Residential Office District in which short term vacation rentals are a permitted use. Applicants were falsely misled by real estate agents and brokers that they could, in fact, utilize the Property as a short term Airbnb. Had Applicants known that these were not permitted uses in the R-2 Residential District, they would have never went through with the sale. Applicants hope to make use of this Property as a vacation rental for visitors and tourists can enjoy for years to come. Applicants do have medical issues which will prevent their use of the Property. The Property is established as a Residential use.

#### B. The Property Cannot be Used in Conformity with the Ordinance

The Property cannot be used in conformity with the Ordinance because the lot was pre-existing and the Property falls just outside of the Residential Office District. Not only do Applicants live out of state in New York, they could not even live at the Property full time due to Ms. Villanti’s physical limitations with taking stairs. As such, the only reasonable use for the Property is to utilize it as a vacation rental for interested visitors and tourists to the area.

**C. Such Unnecessary Hardship Has Not Been Created by the Applicant**

The Applicant did not create the hardship. The hardship is created by the local uses permitted by the District.

**D. How the Variance Will Impact the Neighborhood**

The variance, if authorized, will not alter the essential character of the neighborhood. The Property's new use would be consistent and compatible with surrounding uses, especially considering the fact that the Property is within forty-two (42) feet from the Zoning District which the use is permitted. Residential use will continue.

**E. Least Possible Modification to the Ordinance**

The variance, if authorized, will represent the minimum variance with the least modification available that will afford relief to Applicants and provide a reasonable use for the Property.

**III. CONCLUSION**

In summary, Applicant requests that the Zoning Hearing Board of Gettysburg Borough find that Applicant has satisfied each of the general standards and conditions necessary to obtain a variance for Applicant's change of the existing use.



# Gettysburg

HISTORIC CROSSROADS

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

To: Gettysburg Borough Zoning Hearing Board

From: Peter Griffioen, Assistant Zoning Officer & Code Compliance Officer  
Carly Marshall, Zoning Officer and Director of Planning, Zoning, and Code Compliance

CC: Matthew E. Teeter, Solicitor  
Zoning Hearing Board (ZHB)

Date: September 21, 2023

RE: ZHB-230004  
44 South Street, Gettysburg, PA 17325  
Variance Application

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

## PROJECT INFORMATION

Type of Project: Variance from Sections 27-502, 27-503 & 27-5A09

Project Address: 44 South Street

Case Number: ZHB-230004

Zoning: (R2) Residential Office Redevelopment District  
(ELM) Elm Street District Overlay  
(HD) Historic District  
(SEO) Streetscape Enhancement Overlay

Property Owner(s): Michael & Christine Villanti  
174 East 21 Street  
Huntington Station, NY 11746

Applicant: Michael & Christine Villanti  
174 East 21 Street  
Huntington Station, NY 11746

Submission Date: A complete application was submitted to the Zoning Officer on August 31, 2023.

## MPC Timeline:

- The applicant was notified of the September 27 hearing date via First Class Mail on September 7, 2023.
- The hearing was advertised in the Gettysburg Times on September 12, 2023 and September 19, 2023.

- The 6 adjacent property owners were notified of the hearing via letter mailed first class on September 20.
- The property was clearly posted with signs on September 19, 2023.

**Planning Commission Review:** The Gettysburg Planning Commission reviewed the application at their meeting on September 18, 2023, and provided their recommendation to the Zoning Hearing Board in a letter dated September 19, 2023, attached.

## BACKGROUND INFORMATION

### 1. PROPOSED ACTION

#### § 27-502 Uses Permitted by Right.

The applicant seeks a Variance for a Short-Term Vacation Rental.

#### § 27-502 Uses Permitted by Special Exception.

The applicant seeks a Variance for a Short-Term Vacation Rental.

#### § 27-5A09 Vacation Rental Use Prohibited.

The applicant seeks a Variance for a Short-Term Vacation Rental

### 2. SITE HISTORY

Michael and Christine Villanti purchased the property situated at 44 South Street, Gettysburg, PA 17325 in May of 2023. The Property is approximately 3,485 sq. ft. in size & is located within the R-2 (Moderate Density Residential), the ESO (Elm Street Overlay), the H (Historic), and the SEO (Streetscape Enhancement Overlay) Districts. This property is currently licensed as a Regulated Rental (RRUO) with passing inspection.

#### Prior Use(s):

Our records dating back to 1998 indicate that this property has been used continuously as a semidetached single-family residence.

#### Recent Permitting and License History:

06/16/2023 RU-230617 Regulated Rental Unit Occ License (Current Through 12/31/2023)  
06/21/2023 Violation #722 Cease & Desist, Vacation Rental Use Prohibited in the ES Overlay  
06/26/2023 RRI-230098 Regulated Rental Inspection (Passed)

#### Prior Zoning Hearing Board Decision(s):

05/24/1999 Decision of the Gettysburg Borough Zoning Hearing Board on the application of Glen A. Timmons for a Variance from the provisions of Sections 504.1(B), 504.2(B), 504.4(b), and 1503.1 of the Gettysburg Borough Zoning Ordinance to subdivide 44-46 South Street into two separate lots. See attached Decision.

### 3. RELEVANT ZONING SECTIONS

#### a) DEFINITIONS

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.

SHORT-TERM LODGING Any dwelling unit or portion thereof that is available for use or is used for transient lodging, & where such lodging is provided for compensation. Includes homestay & vacation rental uses as defined herein.

VACATION RENTAL A dwelling unit that is available for use or is used for short-term lodging, & where such lodging is provided for compensation, & where the dwelling unit is not concurrently occupied by the operator of the use.

#### b) PART 5 MODERATE DENSITY RESIDENTIAL DISTRICT (R2)

##### § 27-501 Purpose.

The purpose of this Part is to provide for the development of certain areas of the Borough into residential neighborhoods permitting a variety of housing types.

##### § 27-502 Uses Permitted by Right

- A. Accessory buildings and uses customarily incidental to the below when located on the same lot.
- B. Apartments or condominiums.
- C. Emergency services station.
- D. Essential services.
- E. No-impact home-based business.
- F. Public or private nonprofit park, playground or recreation area.
- G. Public or private primary and secondary schools.
- H. Single-family attached dwellings.
- I. Single-family detached dwellings.
- J. Single-family semidetached dwellings.
- K. Two-family dwellings.
- L. Unit for care of relative, as per § 27-15251.

##### § 27-503 Uses Permitted by Special Exception.

- A. Conversion apartments.
- B. Home occupations, subject to the regulations of Part 15, § 27-1504.
- C. Mobile home parks.
- D. Municipal or governmental buildings and uses.
- E. Places of worship.
- F. Professional offices.
- G. Student housing, but only so long as the following three requirements shall have been met:
  - (1) The land is located directly adjacent to (including across the street from) an Institutional District.

- (2) Parking required under § 27-1302P of this chapter shall be provided either on site or on the campus located within the adjacent Institutional District.
- (3) A buffer yard is created for any existing family, detached dwelling which abuts the land on which the student housing is located, such buffer yard to be provided along the property line separating such uses and to be planted with trees and shrubs and shall comply with the other requirements in § 27-1510.

H. Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the above uses in § 27-503 and which will not be detrimental to the intended purposes of this chapter.

**c) PART 5A ELM STREET OVERLAY DISTRICT (ESO)**

§27-5A01 Purpose. The purpose of this Part is to provide the development and redevelopment of context-sensitive mixed-use neighborhoods in accordance with the Official Em Street Plan of the Borough of Gettysburg.

§ 27-5A02 Uses Permitted by Right.

The following uses are permitted by right:

- A. Accessory buildings and uses customarily incidental to the below when located on the same lot.
- B. Apartments or condominiums.
- C. Bed-and-breakfast.
- D. Cultural center.
- E. Day-care center, child.
- F. Emergency services station.
- G. Essential services.
- H. Financial institutions, excluding establishments with drive-thru facilities.
- I. General service and repair of household items.
- J. Home occupations, subject to the regulations of Part 15, § 27-1504.
- K. Live-work units.
- L. Museum, historical/interpretive facility.
- M. No-impact home-based business.
- N. Personal services.
- O. Professional offices.
- P. Public or private nonprofit park, playground or recreation area.
- Q. Restaurants, excluding drive-thru establishments.
- R. Retail store or businesses.
- S. Single-family attached dwellings.
- T. Single-family detached dwellings.
- U. Single-family semidetached dwellings.
- V. Two-family dwellings.
- W. Restaurant, small.
- X. Event venue.

§ 27-5A02.1 Uses Permitted by Special Exception.

A. Boardinghouse.

§ 27-5A09 Vacation Rental Use Prohibited. Vacation rental use of real property zoned & located within the Elm Street Overlay District is expressly prohibited. Accordingly, none of the specific uses permitted by right within the Elm Street Overlay District shall be construed as including or permitting a vacation rental use within this District.

**d) PART 15 GENERAL AND SUPPLEMENTAL REGULATIONS**

§27-1524 Additional Requirements for Certain Specific Principal Uses. This section establishes additional specific requirements for certain specific principal uses, in addition to the other requirements of this chapter and the requirements of each zoning district. For uses permitted within a specific zoning district as special exception uses, the general standards in § 27-1704 shall also be met.

**2.UU. Vacation Rental Use.**

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.

**e) ORDINANCE NO. 1481-21**

An ordinance of the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania, Amending the text of the Gettysburg Borough Zoning Ordinance, Chapter 27 of the Code of Ordinances of the Borough of Gettysburg, relative to the regulation of short-term lodging and updating regulations for lodging uses for the purpose of protecting the residential housing stock in the Borough of Gettysburg. *See attached.*

**f) PART 17 ZONING HEARING BOARD**

1. § 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 & 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: 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 property & that the unnecessary hardship is due to such conditions & not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
  - b. 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 & that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  - c. That such unnecessary hardship has not been created by the appellant.
  - d. 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.
  - e. That the variance, if authorized, will represent the minimum variance that will afford relief & will represent the least modification possible of the regulation in issue.
  - f. In granting any variance, the Board may attach such reasonable conditions & safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code & this chapter.
    - a. The proposed use will provide safe & adequate access to streets & the applicant will make any improvements needed to guarantee compatibility with adjacent streets as recommended by the Borough Engineer.
    - b. The proposed use will provide pedestrian access to the site.
    - c. The proposed use will not adversely affect public facilities & utilities, such as water, sewer, police & fire protection, schools, etc.
    - d. The proposed use will comply with the signage regulations of Chapter 19 of the Borough Code.
2. The Zoning Hearing Board may attach reasonable conditions as it deems necessary to assure compliance with this chapter.



DECISION OF THE GETTYSBURG BOROUGH ZONING HEARING BOARD  
ON THE APPLICATION OF GLEN A. TIMMONS  
FOR VARIANCES

WHEREAS, Applicant owns property located at 44-46 South Street in a District zoned R-2 in the nature of single-family, semi-detached dwellings; and

WHEREAS, Applicant wishes to subdivide said property into two separate lots as per Applicant's exhibit attached to the application; and

WHEREAS, said subdivision will not alter the exterior of either structure or of the properties in general; and

WHEREAS, the dwellings on said lots were constructed prior to the adoption of the Gettysburg Borough zoning ordinance; and


WHEREAS, said subdivision would create two lots which fail to comply with the provisions of Section 504.1(B) in regard to minimum lot area; Section 504.2(B) in regard to minimum width at building setback lines; Section 504.4(B) in regard to minimum side yards of single family, semi-detached dwellings; and Section 1503.1 in regard to detached garages; and

WHEREAS, Applicant has met the standards necessary for the granting of a variance, including the showing of hardship in the nature of a pre-existing, non-conforming lot of a size insufficient to meet the requirements of the Gettysburg Borough Zoning Ordinance.

NOW THEREFORE, the Gettysburg Borough Zoning Hearing Board makes the following decision:

The application of Glen A. Timmons in regard to property located at 44-46 South Street in the Borough of Gettysburg in a district zoned R-2 for variances from the provisions of Sections 504.1(B), 504.2(B), 504.4(B), and 1503.1 of the Gettysburg Borough Zoning Ordinance is hereby granted. The vote of the zoning hearing board was unanimous.

Dated: May 24, 1999

  
Catherine J. Gault, Solicitor  
Gettysburg Borough Zoning  
Hearing Board



**ORDINANCE NO. 1481-21**

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF GETTYSBURG, ADAMS COUNTY, PENNSYLVANIA, AMENDING THE TEXT OF THE GETTYSBURG BOROUGH ZONING ORDINANCE, CHAPTER 27 OF THE CODE OF ORDINANCES OF THE BOROUGH OF GETTYSBURG, RELATIVE TO THE REGULATION OF SHORT-TERM LODGING AND UPDATING REGULATIONS FOR LODGING USES FOR THE PURPOSE OF PROTECTING THE RESIDENTIAL HOUSING STOCK IN THE BOROUGH OF GETTYSBURG.**

The Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania, hereby enacts, adopts and ordains this Ordinance, amending the Gettysburg Borough Zoning Ordinance, codified as Chapter 27 of the Code of Ordinances of the Borough of Gettysburg, as follows:

**Part 2.  
DEFINITIONS**

**SECTION 1:** Chapter 27, Part 2, Section 201, subsection 5, Specific Definitions., of the Gettysburg Borough Zoning Ordinance, shall be amended to read as follows:

**“§ 27-201.5 Specific Definitions.**

**BED-AND-BREAKFAST USE:** The use of a single-family detached dwelling and/or accessory structure which includes the rental of transient lodging accommodations and bathroom access, with a maximum of 10 rooms, and which does not provide any cooking facilities or provision of meals for guests other than breakfast.

**BOARDING HOUSE or ROOMING HOUSE:** A residential use in which:

A. Individual rooms that do not meet the definition herein of a dwelling unit are rented for habitation by a total of two or more persons.

B. A dwelling unit that includes more than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, dormitory, fraternity, sorority, motel, life care center, personal-care center, bed-and-breakfast use, group-care home or nursing home. A boarding house may either involve or not involve the providing of meals to residents. This use shall only involve renting living accommodations for minimum periods of 30 consecutive days.

**DWELLING UNIT:** 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.

**FAMILY:** A household consisting of one or more persons related by genetics, adoption, or marriage, or a group of four or fewer persons who are not related by genetics, adoption, or marriage and none of whom are wards of the court unless such wards are related by genetics, adoption, or marriage to members of such group living in a dwelling unit. Family homes shall include state-licensed adult family homes, state-licensed foster family homes group care facilities, and group care homes for the disabled required to be accommodated as residential uses pursuant to the Fair Housing Act. The term "Family" shall exclude individuals residing in halfway houses, group homes licensed for juvenile offenders, or other facilities, whether or not licensed by the state, where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.

**HOMESTAY:** A dwelling unit wherein a maximum of two rooms are available for use or are used for short-term lodging, and where such lodging is provided for compensation, and where the dwelling unit is concurrently occupied as a permanent residence by the operator.

**HOTEL:** A building consisting of individual rooms designed and used primarily for transient lodging, where such lodging is provided for compensation (with or without meals) in which provisions for cooking are generally not made in individual rooms or suites, and where individual rooms or suites are accessed from hallways internal to the building. Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a "boarding house" and shall meet the requirements of that use as set forth herein. See also a bed-and-breakfast use as defined herein. A hotel may include a restaurant, nightclub, newsstand or tavern, provided that such uses are clearly accessory to the principal use of overnight accommodations.

**INN:** A public accommodation that may or may not consist of a private dwelling, which contains 20 or fewer bedrooms, used for providing transient lodging accommodations and which does not provide any cooking facilities or provision of meals for guests other than breakfast.

**MOTEL:** A building or group of buildings, whether detached or in connected units, containing individual rooms designed and used primarily for transient lodging, together with accessory off-street parking facilities, and where such individual rooms are accessed from the sidewalks or walkways on the exterior of the building. Any such use that customarily

involves the housing of persons for periods of time longer than 30 days shall be considered a "boarding house" and shall meet the requirements of that use as set forth herein. See also a bed-and-breakfast use as defined herein. A motel may include a restaurant, nightclub, newsstand or tavern, provided that such uses are clearly accessory to the principal use of overnight accommodations.

**PERMANENT RESIDENCY or RESIDENTIAL OCCUPANCY:** Permanent, full-time habitation in a dwelling unit for a period of 30 consecutive days or more.

**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.

**TRANSIENT LODGING:** Lodging provided for compensation for periods of less than 30 consecutive days.

**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.”

\* \* \*

The following specific definition shall be deleted:

**TOURIST HOME:** A dwelling in which overnight accommodations are provided to transient guests for compensation.

#### **Part 4. R-1 LOW DENSITY RESIDENTIAL DISTRICT**

**SECTION 2:** Chapter 27, Part 4, of the Gettysburg Borough Zoning Ordinance, shall be amended to add new section 27-408, to read as follows:

#### **“§ 27-408 Vacation Rental Use Prohibited.**

Vacation rental use of real property zoned and located within an R-1 Low Density Residential District is expressly prohibited. Accordingly, none of the specific uses permitted by right or by special exception within an R-1 Low Density Residential District shall be construed as including or permitting a vacation rental use within this District.

**Part 4A.**  
**R-1A PRESERVATION RESIDENTIAL DISTRICT**

**SECTION 3:** Chapter 27, Part 4A, of the Gettysburg Borough Zoning Ordinance, shall be amended to add the following uses to be permitted as a matter of right:

**“§ 27-4A02. Uses Permitted by Right.**

H. Homestay, as an accessory use to a permanent residential use or occupancy.

I. Vacation Rental.”

**Part 5.**  
**R-2 MODERATE DENSITY RESIDENTIAL DISTRICT**

**SECTION 4:** Chapter 27, Part 5, Section 503. **Uses Permitted by Special Exception.** of the Gettysburg Borough Zoning Ordinance, shall be amended to delete subsection A. Bed and Breakfast. Remaining subsections B. through I. shall be relettered consecutively as subsections A. through H.:

**Part 5A.**  
**ELM STREET OVERLAY DISTRICT**

**SECTION 5:** Chapter 27, Part 5A, of the Gettysburg Borough Zoning Ordinance, shall be amended to add new section 5A02B., to read as follows:

**§ 27-5A02B Uses Permitted by Special Exception.**

A. Boarding House

**SECTION 6:** Chapter 27, Part 5A, of the Gettysburg Borough Zoning Ordinance, shall be amended to add new section 5A09., to read as follows:

**§ 27-5A09. Vacation Rental Use Prohibited.**

Vacation rental use of real property zoned and located within the Elm Street Overlay District is expressly prohibited. Accordingly, none of the specific uses permitted by right within the Elm

Street Overlay District shall be construed as including or permitting a vacation rental use within this District.

**Part 6.**  
**OT OLD TOWN DISTRICT**

**SECTION 7:** Chapter 27, Part 6, Section 602. of the Gettysburg Borough Zoning Ordinance, shall be amended to add the following uses to be permitted as a matter of right:

**“§ 27-602. Uses Permitted by Right.**

\* \* \*

NN. Homestay, as an accessory use to a permanent residential use or occupancy.

OO. Inn.

PP. Vacation Rental.

**Part 8.**  
**RO RESIDENTIAL OFFICE DISTRICT**

**SECTION 8:** Chapter 27, Part 8, Section 802. of the Gettysburg Borough Zoning Ordinance, shall be amended to add the following uses to be permitted as a matter of right:

**“§ 27-802. Uses Permitted by Right.**

\* \* \*

V. Homestay, as an accessory use to a permanent residential use or occupancy.

W. Inn.

X. Vacation Rental.

**SECTION 9:** Chapter 27, Part 8, Section 802. of the Gettysburg Borough Zoning Ordinance, shall be amended to add the following uses to be permitted by special exception:

**“§ 27-803. Uses Permitted by Special Exception.**

G. Boarding House.

**Part 8A.**  
**ROR RESIDENTIAL OFFICE REDEVELOPMENT DISTRICT**

**SECTION 10:** Chapter 27, Part 8, Section 8A02., **Uses Permitted by Right**, of the Gettysburg Borough Zoning Ordinance, shall be amended to delete subsection C. Bed and Breakfast use. Remaining subsections D. through Q. shall be relettered consecutively as subsections C. through P.

**Part 9.**  
**TC TOURIST COMMERCIAL DISTRICT**

**SECTION 11:** Chapter 27, Part 9, Section 902. of the Gettysburg Borough Zoning Ordinance, shall be amended to add the following uses to be permitted as a matter of right:

“§ 27-902. **Uses Permitted by Right.**

\* \* \*

W. Homestay, as an accessory use to a permanent residential use or occupancy.

X. Inn

Y. Vacation Rental.”

**Part 10.**  
**GC GENERAL COMMERCIAL DISTRICT**

**SECTION 12:** Chapter 27, Part 10, Section 1002. of the Gettysburg Borough Zoning Ordinance, shall be amended to add the following uses to be permitted as a matter of right:

“§ 27-1002. **Uses Permitted by Right.**

TT. Homestay, as an accessory use to a permanent residential use or occupancy.

UU. Inn

VV. Vacation Rental.”



**Part 11.**  
**IND INDUSTRIAL DISTRICT**

**SECTION 13:** Chapter 27, Part 11, Section 1102. of the Gettysburg Borough Zoning Ordinance, shall be amended to add the following uses to be permitted as a matter of right.:

**“§ 27-1102. Uses Permitted by Right.**

Q. Homestay, as an accessory use to a permanent residential use or occupancy.

**Part 12.**  
**HC HEALTH CARE DISTRICT**

**SECTION 14:** Chapter 27, Part 12, Section 1202. of the Gettysburg Borough Zoning Ordinance, shall be amended to add the following uses to be permitted as a matter of right:

**“§ 27-1202. Uses Permitted by Right.**

W. Homestay, as an accessory use to a permanent residential use or occupancy.

X. Inn

Y. Vacation Rental.”

**PART 15.**  
**GENERAL AND SUPPLEMENTAL REGULATIONS**

**SECTION 15:** Chapter 27, Part 15, Section 1524, subsection .H. of the Gettysburg Borough Zoning Ordinance, shall be amended to revise subsection 2.H.(1) and to add new subsections H.(9) and (10). New subsections 2.TT. and 2.UU. shall be added to read as follows:

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

\* \* \*

H. Bed-and-Breakfast Use.

(1) No more than 10 rooms shall be provided.

\* \* \*

\* \* \*

(9) 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.

(10) The operator of a bed-and-breakfast use must demonstrate registration with the Adams County Treasurer's Office in compliance with County Ordinance No. 2 of 2018, as amended, for the payment of Hotel Room Rental Tax.

\* \* \*

J. Boardinghouse (Includes Rooming House).

\* \* \*

(11) Rooms shall be rented for a minimum period of thirty consecutive days.

\* \* \*

TT. Inn Use.

(1) The off-street parking spaces for an inn use shall be:

- (a) Located to the rear of the principal building;
- (b) Screened from the street and abutting dwellings by evergreen screening; or
- (c) On another lot consistent with the requirements of Part 13.

(2) At least one full bathroom shall be provided for every four sleeping rooms.

(3) The use shall have a residential appearance and character.

(4) The use shall be operated by permanent residents of the lot, or alternatively, the Inn shall provide staff presence or access on-site 24 hours per day, 7 days per week.

(5) There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted by the district regulations.

(6) The use of any amenities provided by the Inn, such as food service or meeting rooms may be provided to the public if those or similar commercial uses, as determined by the Zoning Officer, are also permitted in the underlying zoning district.

(7) 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.

(8) The operator of an inn 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.

#### UU. Vacation Rental Use.

(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 (15) minute drive of the property. The contact person or entity must be available via telephone 24 hours per day, 7 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.

**SECTION 16:** Chapter 27, Part 15, Section 1525, subsection E. of the Gettysburg Borough Zoning Ordinance, shall be amended to add the following:

**“§ 27-1525. Additional Requirements for Certain Specific Accessory Uses.**

E. Homestay as an accessory use to a permanent residential use or occupancy in the R1A, OT, RO, GC, HC, and IND Districts, except where the Elm Street Overlay District (ESO) intersects with the OT and RO Districts where a homestay use is not a permitted use.

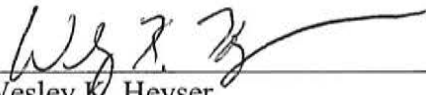
- (1) Maximum two (2) rental room or suites permitted, but may only be made available for lease to one rental party at any given time
- (2) Only one rental booking shall occur per night. Multiple separate overnight accommodations in a single dwelling unit shall be prohibited.
- (3) One off-street parking space shall be provided for guest use.
- (4) The operator of a homestay use shall maintain permanent residency on the premises.
- (5) A bedroom shall meet the minimum size requirements set forth in the Pennsylvania Uniform Construction Code.
- (6) On-site advertising of a homestay use is prohibited.
- (7) Food, drink, or meals shall not be provided for compensation.
- (8) The operator of a homestay use must demonstrate that they have registered 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.

**SECTION 17:** All remaining provisions of Chapter 27 shall remain in full force and effect unless otherwise repealed by any other ordinance. All ordinances, or parts of ordinances, conflicting with this ordinance shall be and the same are hereby repealed insofar as the same affect this ordinance.

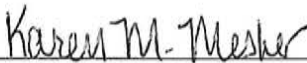
**SECTION 18:** This ordinance shall take effect upon enactment.

**THIS ORDINANCE DULY ENACTED AND ORDAINED** according to law on this 12<sup>th</sup> day of October, 2021, at a duly advertised general monthly business meeting of the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania.


**BOROUGH OF GETTYSBURG**

By:   
Wesley R. Heyser  
President of Borough Council

ATTEST:

By:   
Karen M. Mesher  
Assistant Secretary

**APPROVED** this 12 day of October, 2021.

By:   
Theodore H. Streeter, Mayor





*Gettysburg*  
HISTORIC CROSSROADS

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

## MEMO

**To:** Borough of Gettysburg Zoning Hearing Board  
**From:** Carly Marshall, Director of Planning, Zoning and Code Enforcement  
**Date:** September 19, 2023  
**Re:** **Planning Commission Review**  
ZHB-230004 Villanti; 44 South Street  
Application for Variance from Sections 27-502, 27-503, and 27-5A09 to allow two Vacation Rental uses at 44 South Street

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At its meeting on Monday September 18, 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 Sections 27-502, 27-503, and 27-5A09 in consideration the following:

1. Precedence on previous applications for variances for vacation rentals in the Borough that were denied.
2. To preserve neighborhoods and long-term rentals and housing options in the Borough, consistent with the purpose Ordinance No. 1481-21.

Respectfully Submitted,

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