



Gettysburg
HISTORIC CROSSROADS

Gettysburg Zoning Hearing Board

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

ZONING HEARING BOARD MEETING AGENDA

Tuesday, May 22, 2024 at 7:00pm | Borough Council Chambers

I. Convene Meeting

II. Review and Approve Agenda

III. Minutes

A. Review and approve February 13, 2024 meeting minutes.

IV. Case # ZHB-240001

Applicant Borough of Gettysburg

Properties Affected 340 Baltimore Street (Tax Parcel ID #16010-0383---000)

Applicant's Request The applicant seeks the following relief from, or pursuant to, the Gettysburg Borough Zoning Ordinance: (a) a special exception pursuant to Section 27-803(E) to permit the property to be developed as the Gettysburg Welcome Center; (b) a variance from Section 27-804.2. to permit nonresidential use on a lot with an area of less than 5,000 square feet; and (c) review and approval of the plans for the Gettysburg Welcome Center pursuant to Section 27-1403.1 in order to permit the proposed construction.

V. Additional Business

VI. Adjourn



Gettysburg
HISTORIC CROSSROADS

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ZONING HEARING BOARD MEETING MINUTES

Tuesday, February 13, 2024 at 7:00 pm | Borough Council Chambers

Call to Order: The meeting of the Gettysburg Borough Zoning Hearing Board was called to order at 7:02 p.m. by Zoning Hearing Board Chair Rodger Goodacre.

Members Present: Rodger Goodacre, John Butterfield, Michael Birkner, Darlene Brown, and Darren Glass.

Members Absent: None

Staff Members: Corrie Ondrizek, Court Reporter, John Whitmore, AICP, Director of Planning, Zoning, and Code Enforcement and Matthew Teeter, Zoning hearing Board Solicitor.

Members of the Public: Nathan Mares, Applicant representative; John Murphy III, Applicant attorney; Robert Defayette; Helen Defayette.

Introductions and Previous Meeting Minutes:

Rodger Goodacre began introductions of Zoning Hearing Board members and borough staff. Upon completion of introductions, Rodger Goodacre asked for modifications to the presented January 24, 2024 meeting minutes. Michael Birkner identified a correction to the minutes regarding language used to describe questioning by Mr. Birkner using the multi-family dwelling and instead to reference language used during the meeting related to the three-bedroom housing unit. After discussion regarding the meeting minutes with John Whitmore, Rodger Goodacre then asked for a vote to approve the minutes as amended. Michael Birkner made a motion to approve as amended, with Darlene Brown providing the second. The motion carried 5-0.

ZHB-230006 / 533 Steinwehr Avenue / Gettysgolf, LLC:

Following approval of the January 24, 2024, meeting minutes, the Chair began the public hearing portion of the meeting regarding application ZHB-230006 an application for special exception to permit an outdoor commercial recreation or entertainment activity land-use at 533 Steinwehr Avenue by Gettysgolf, LLC.

Matthew Teeter provided John Butterfield with the legal notice, and Butterfield read the notice into the record. Upon completion of the legal notice being read, Matthew Teeter provided exhibits 1, 2, and 3, providing the proof of publication of the legal notice, notice to the applicant of the public hearing, and the

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physical positing provided on the 533 Steinwehr Avenue property. Chair Goodacre then asked Solicitor Teeter to address the procedures of the Board and conduct of the hearing, which was then provided to the Board and public. Following discussion with Robert Defayette regarding his potential being as an affected party, after which Nathan Mares, John Murphy III, John Whitmore and Robert Defayette were be sworn in as witnesses.

Nathan Mares provided the project overview and historic use of the property with specific examination provided by John Murphy III. The proposal is to construct an eighteen-hole miniature golf course, with an off-street parking area located to the rear of the property, with access provided by Johns Avenue. The property will feature one 400 square foot building to provide a club storage area and accessible bathroom facility. Robert Defayette provided cross examination with questioning about the parking lot, neighboring properties inclusion of land in the project, which was explained by the applicant representative as not being planned at this time, and additional information requested for the clubhouse.

John Butterfield asked about the type of turf to be installed and general facility rules. It was explained that the courses use artificial turf, but the surroundings are designed to provide real landscaping and allow for stormwater management of the course holes to allow for play following a rain event.

Daren Glass asked about parking requirements. It was explained by John Murphy III that aren't parking requirements for this land-use. This was confirmed by John Whitmore. John Butterfield asked John Whitmore if he had received any negative comments about the project, and John Whitmore indicated that he had not.

The Zoning Hearing Board then entered executive session at 7:49 p.m. at the motion of Micheal Birkner and seconded by John Butterfield. The public hearing resumed approximately five minutes later, with Chair Goodacre asking for a motion, with Darren Glass recommending approval of the special exception to allow the land-use on site. Darlene Brown seconded. The motion passed unanimously.

Adjournment:

After discussion regarding the draft annual report language, Chair Goodacre asked for a motion to adjourn the public hearing, with Darren Glass making a motion to adjourn, seconded by Darlene Brown. The motion passed unanimously, and the meeting was adjourned at 7:57 p.m.



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: 340 Baltimore 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): §27-803(E)

B - Variance from Section(s): §27-804(2)

C - Change/expansion of nonconformity, Section(s): §27-1403(1)

D - Zoning Appeal, Section(s): _____

2. **Applicant Name(s):** Borough of Gettysburg

Mailing Address: 59 East High Street, Gettysburg, PA 17325

Phone: (717) 334-1160 ext. 222 Email: CGable@GettysburgPA.gov

3. **Property Owner(s):** Borough of Gettysburg

Mailing Address: 59 East High Street, Gettysburg, PA 17325

Phone: (717) 334-1160 ext. 222 Email: CGable@GettysburgPA.gov

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

Name Jill Sellers; President & CEO, Main Street Gettysburg (MSG)

Mailing Address: 59 East High Street, Gettysburg, PA 17325

Phone: (717) 337-3491 Email: _____

5. **Applicant's Legal Counsel, if any:**

Name: Harold Eastman, Jr.; Borough Solicitor

Mailing Address: 123 Baltimore Street, Gettysburg, PA 17325

Phone: (717) 344-5165 Email: HEastman@Barley.com

6. **Property Covered By Application**

Address or location of Property: 340 Baltimore Street

Tax Map and Parcel # 16010-0382---000

(Attach copy of Tax Map)

Current Zoning District: RO; Residential Office District

Applicable Zoning Overlays, if any: H / SE

Property Address: 340 Baltimore Street

7. Property Characteristics

Describe the present use of the property:

The property is a vacant single-family dwelling that has not been in use since at least 2018. Signage on site identifies this parcel as the location of the future Gettysburg Welcome Center (GWC).

Describe the existing structures on property, if any:

A single-family dwelling based structure, approximately 2.5 stories tall is currently on-site.

8. Applicant's Interest In The Property

- Own Property Date title acquired: 17 December 2019
- Lease Property Term of Lease: n/a
- To Purchase Date contract: n/a
- Other Explain: Gettysburg Welcome Center (GWC)

9. Applicant's Verification

I verify that the statements made in the foregoing application are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

Signature Charles R. Stahl Title Borough Manager

For Office Use Only (do not write in this box)

Date Accepted and Filed 4/29/24 Filing Fee \$1,000 Received N/A

Scheduled Dates: Planning Commission: 5/20/24

Zoning Hearing Board: 5/22/24

Date Received: 4/29/24 Zoning Officer Signature: [Signature]

Grounds For Hearing

A. Special Exception

Purpose and Applicability A Special Exception is permission to use land in a zoning district for a purpose or land use that is permitted only if certain specific criteria are met. There are twelve general criteria contained in Part 17 of the Ordinance, and specific criteria in the Ordinance, particularly in Parts 13 and 15; ALL must be met for a special exception to be approved.

1. Please describe the proposed use of the land and structures:

The property is proposed to be developed into the Gettysburg Welcome Center. The Gettysburg Welcome Center is a public facility project, which will create greater accessibility and walkability throughout the historic district. The project is in the center of downtown and will provide tourism, transportation, event, and volunteer information, as well as public restrooms. Plans include ADA-compliant facilities.

The need for the Welcome Center was identified through a series of community meetings starting in 2017, which included more than 80 local officials, businesses, organizations, and residents. In response, the property at 340 Baltimore Street was generously donated to the Borough of Gettysburg for the specific purpose of creating a welcome center in the heart of Gettysburg's historic downtown. Because Gettysburg's major economic driver is tourism, focused on history in particular, Baltimore Street plays a major role in moving people to experience the historic attractions and unique places of interest and education, and therefore, its health is critical to economic survival. The Gettysburg Welcome Center is an essential component of Baltimore Street to help attract new businesses, increase local jobs, create access to transportation, and also improve the economy of adjacent, low-income neighborhoods. The welcome center project will create 5-10 full-time jobs or 15-20 part-time jobs, as well as contracted support for custodial and maintenance requirements.

2. What is the special request that you wish the Board to consider?

The current minimum threshold for a commercial structure and use in the RO zoning district is 5000 sq. ft. The parcel located at 340 Baltimore Street is 4756 sq. ft. Multiple parcels in the RO Zoning District fall below the 5000 sq. ft. minimum threshold. - which was not the intent of the RO District. The RO District is meant to incentive mixed uses - both commercial and residential. The 5000 sq. ft. minimum threshold for a commercial use is limiting, precluding multiple parcels from investment and redevelopment.

§27-1403 Nonconforming Lots, provides that "A building may be erected or altered on any lot held at the time this Part becomes effective (October 23, 1975) in single and separate ownership which is not of the required minimum area or width or is of such unusual dimensions or shape that the owner would have difficulty in providing the required open spaces for the district in which such lot is located, provided that the plans for the proposed building shall be approved by the Zoning Hearing Board after review of the plans to assure reasonable compliance with the intent of the regulations for the district."

The intent of the RO District is "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."

The Borough seeks the Zoning Hearing Board's approval of the building plans presented and the land use as presented, as the proposal will allow for the construction of a Welcome Center that is integral to the RO District and wider community.

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. **§27-1403**
- 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.

Unless the answer is "Yes" or "Not Applicable" to ALL of the above, and evidence in the form of testimony or documentation is provided, the Zoning Board cannot grant a special exception. In some cases, an Applicant might seek a variance to correct a specific item listed above.

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:

In observing the 300-Block of Baltimore Street, 25-parcels are identified. Of the 25-parcels, 3 are greater than 5,000 square feet of area. A total of 7 parcels have nonresidential land uses of which 4 parcels are less than 5,000 square feet in area. The overall built and subdivided property environment of Baltimore Street does not generally meet the goals of the RO, Residential Office District, as the purpose of the district is to provide a mix of residential, office, and business uses, while most parcels are of a size that would only permit residential land uses.

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:

The property is approximately 4,356 square feet in area. All non-residential land uses are not permitted per the minimum lot area requirement. This property is at a competitive disadvantage when compared to similar properties and is limited in development to low intensity land uses which do not meet the intent of the Zoning Ordinance's RO, Residential Office District.

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

Describe how the hardship was created:

The hardship is due to the historic development pattern of Gettysburg, the limitation imposed by the zoning ordinance, and unequal outcomes occurring on Baltimore Street with respect to nonresidential land uses.

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:

The Gettysburg Welcome Center will be developed. This project will provide pedestrian level informational services to tourists to help increase commercial activity in both the Lincoln Square and Steinwehr Avenue areas by providing a linkage between both commercial entertainment districts.

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 total square footage required for a commercial enterprise at this location would be 644 square feet. By providing the variance, a viable nonresidential land use can occur and redevelopment on-site to a productive use can be achieved.

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:

The Borough of Gettysburg seeks to develop a welcome center at 340 Baltimore Street. The RO, Residential Office District requires 5,000 square foot area parcels for nonresidential land uses in §27-804(2). As the parcel for 340 Baltimore Street is below 5,000 square feet in area, the Zoning hearing Board per the Nonconforming Lot provisions of the Zoning Ordinance established in §27-1403, is permitted to allow for construction of the Gettysburg Welcome Center to be located at 340 Baltimore Street.

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

The need for this project was identified through a series of community meetings starting in 2017, which included more than 80 local officials, businesses, organizations, and residents. In response, the property at 340 Baltimore Street was generously donated to the Borough of Gettysburg for the specific purpose of creating a welcome center in the heart of Gettysburg's historic downtown.

The district as provided on Baltimore Street, has multiple parcels that do not meet the required minimum area provisions for nonresidential land uses, and the use on this parcel would facilitate the other zoning district objectives related to commercial activity and tourist information services.

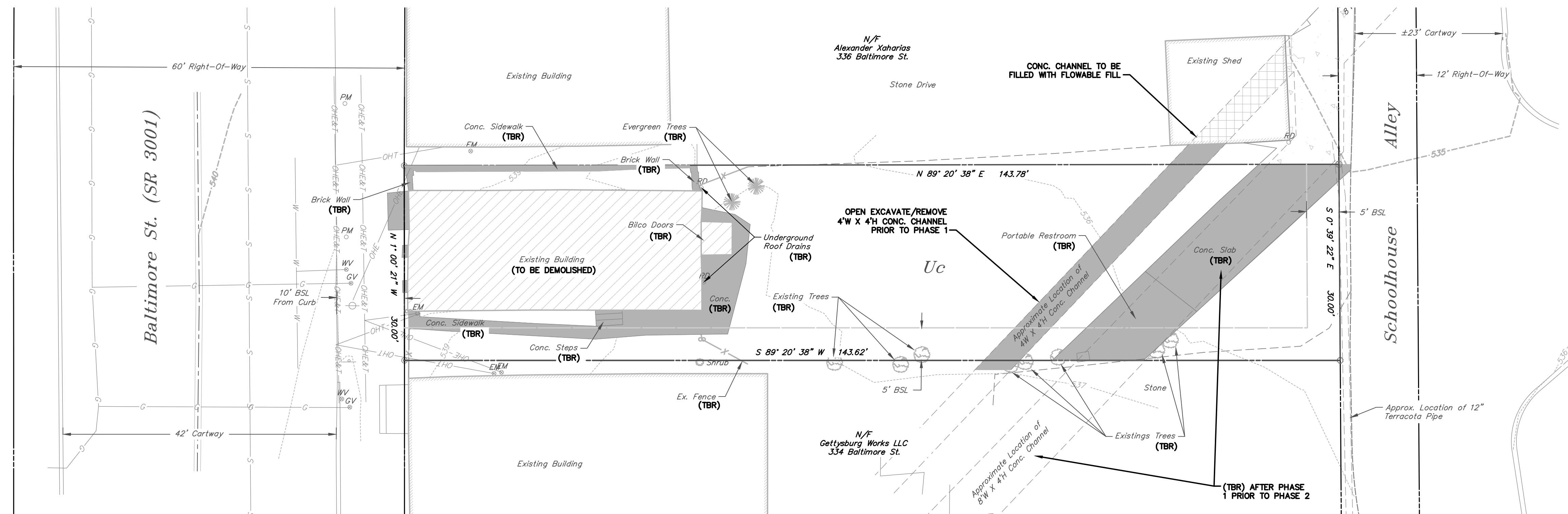
D. Zoning Appeal

Purpose and Applicability: The Zoning Hearing Board shall have the powers and duties in accordance with the provisions of the Pennsylvania Municipalities Planning Code, as amended, including hearing and deciding appeals.

You may want to also apply for a Variance, in the event the appeal is denied.

1. Describe the purpose of appeal:

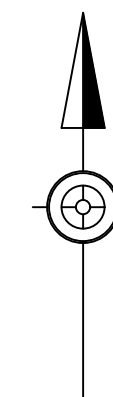
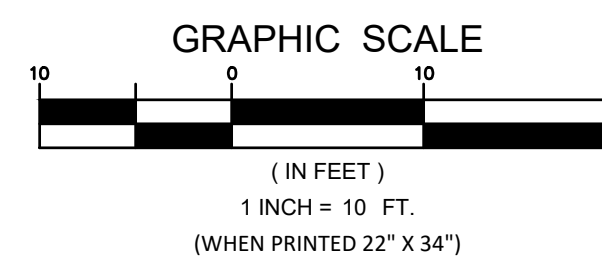
N/A



EXISTING CONDITIONS/DEMOLITION PLAN

LEGEND (Existing)

<p>----- Property Line</p> <p>----- Right Of Way Line</p> <p>----- Easement Line</p> <p>----- Road/Drive Centerline</p> <p>----- Building Setback Line</p> <p>----- 000----- Index Contour Line (5')</p> <p>----- 000----- Contour Line (1')</p> <p>----- Edge Of Road</p> <p>----- Edge Of Stones</p> <p>▨ Building</p> <p>Sign</p> <p>□ Storm Sewer Inlet</p> <p>CO Cleanout</p> <p>Deciduous Tree</p> <p>Evergreen Tree</p> <p>WV Water Valve</p> <p>WM Water Meter</p> <p>GV Gas Valve</p> <p>GM Gas Meter</p> <p>EM Electric Meter</p>	<p>----- X----- Fence</p> <p>----- Storm Sewer Line</p> <p>----- S----- Sanitary Sewer Line</p> <p>----- W----- Water Line</p> <p>----- G----- Gas Line</p> <p>----- UE----- Underground Electric Line</p> <p>----- OHE----- Overhead Electric Line</p> <p>----- OHT----- Overhead Telephone Line</p> <p>----- OHE&T----- Overhead Electric & Telephone Line</p> <p>----- (TBR)----- To Be Removed</p> <p>RD Roof Drain</p> <p>PM Parking Meter</p> <p>Utility Pole</p> <p>Drill Hole</p> <p>MH Storm Sewer Manhole</p> <p>S Sanitary Sewer Manhole</p> <p>Benchmark</p> <p>UC Soils Label</p> <p>▨ Building (To Be Removed)</p> <p>Non Pervious Area (To Be Removed)</p> <p>Flowable Fill</p>
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GETTYSBURG BOROUGH

EXISTING CONDITIONS/DEMO PLAN

GETTYSBURG BOROUGH
ADAMS COUNTY, PENNSYLVANIA

C.S. DAVIDSON, INC.
ENGINEERING A BETTER COMMUNITY

38 NORTH DUKE STREET, YORK, PA • PHONE (717) 846-4806
50 WEST MIDDLE STREET, GETTYSBURG, PA • PHONE (717) 337-3021
315 W. JAMES STREET, SUITE 102, LANCASTER, PA • PHONE (717) 481-2981
WWW.CSDAVIDSON.COM

DESCRIPTION	
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CHECKED BY	
SCALE	AS SHOWN
DATE	4/12/2024
DWG. NO.	238384900_A
FILE NO.	2383.8.49.00
SHEET NO.	2 OF 5



GETTYSBURG WELCOME CENTER

340 BALTIMORE STREET

PROPOSED RENDERING

CR



Gettysburg
HISTORIC CROSSROADS

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

To: Gettysburg Borough Planning Commission

From: John Whitmore, AICP, Zoning Officer and Director of Planning, Zoning, and Code Compliance

CC: Adam Boyer, Solicitor
Peter Griffioen, Assistant Zoning Officer & Code Compliance Officer

Date: May 14, 2024

RE: ZHB-240001/ 340 Baltimore Street, Gettysburg, PA 17325
Special Exception and Variance Application

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

PROJECT INFORMATION

Name of Project: Gettysburg Welcome Center

Type of Project: Special Exception per Section 27-803(E)

Variance per Section 27-804.2

Zoning Hearing Board Development Review per Section 27-1403.1

Project Address: 340 Baltimore Street

Case Number: ZHB-240001

Zoning: (RO) Residential Office District
(HD) Historic District
(SEO) Streetscape Enhancement Overlay

Property Owner(s): Borough of Gettysburg
59 East High Street
Gettysburg, PA 17325

Applicant: Charles Gable, Borough Manager
59 East High Street
Gettysburg, PA 17325

Applicant's Attorney: Harry Eastman, Esquire
123 Baltimore Street, Suite 101
Gettysburg, PA 17325

Submission Date: A complete application was submitted to the Zoning Officer on April 29, 2024.

MPC Timeline:

- The applicant was notified of the hearing date via First Class Mail/email communication by the ZHB Solicitor.
- The hearing was advertised in the Gettysburg Times in accordance with the Pennsylvania Sunshine Law and Municipal Planning Code.
- The adjacent property owners were notified of the hearing via letter mailed first class by Tuesday, May 14, 2024.
- The property was clearly posted with signage on Tuesday, May 14, 2024.

BACKGROUND INFORMATION

1. PROPOSED ACTION

§ 27-803(E) Uses Permitted by Special Exception.

Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the above uses in § **27-803** and which will not be detrimental to the intended purpose of this chapter. Applicant seeks to use the site as a Welcome Center, a quasi-governmental building that is not provided as a permitted land use in any zoning district.

§ 27-804.2 Lot Requirements.

Minimum area, nonresidential uses: 5,000 square feet, unless larger area is required in another section. The parcel area is approximately 4,356 square feet.

§ 27-1403.1 Nonconforming Lots.

Held in Single and Separate Ownership. A building may be erected or altered on any lot held at the time this Part becomes effective (October 23, 1975) in single and separate ownership which is not of the required minimum area or width or is of such unusual dimensions or shape that the owner would have difficulty in providing the required open spaces for the district in which such lot is located, provided that the plans for the proposed building shall be approved by the Zoning Hearing Board after review of the plans to assure reasonable compliance with the intent of the regulations for the district.

2. SITE HISTORY

The Borough of Gettysburg entered into a purchase agreement for 340 Baltimore Street, Gettysburg, PA 17325 in December of 2019. The property is approximately 4,356 sq. ft. in area and is located within the RO (Residential Office), the H (Historic), and the SE (Streetscape Enhancement Overlay) Districts.

Prior Use(s):

Municipal records dating back to 1998 indicate that this property had at one time been the site of a retail sales establishment, but has been vacant since at least 2018.

Recent Permitting and License History:

06/20/2018 COA-18-16 Demolition application for the structure – Application found to be incomplete.

Prior Zoning Hearing Board Decision(s): A Zoning Hearing Board application related to a miniature golf course to be located on the site was located from 2016 but no action related to the case was found and it appears the application became inactive.

3. RELEVANT ZONING SECTIONS

a) DEFINITIONS

AUDITORIUM, COMMERCIAL A commercial area or structure involving indoor or outdoor space for exhibits, meetings, live performances or sports events, but not a use that meets the definition of a movie theater, adult live entertainment use or standard or fast-food restaurant.

CULTURAL CENTER A building and/or land open to the public which primarily contains exhibits of clearly artistic or cultural interest, such as a museum, library, art gallery or indoor nature study area. This shall not include uses that are primarily commercial in nature.

ESSENTIAL SERVICES Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall be limited to the following: utility lines, wells, stormwater management facilities and mailboxes. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power-generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

EVENT VENUE USE The commercial use of a building and related facilities for the purpose of leasing the same on a temporary basis for private functions, meetings, cultural or celebratory events or gatherings, family events or gatherings, artistic, educational, and similar functions. This use shall not include and, by this definition specifically excludes, functions that are solely outdoor music performances or concerts, and uses that meet the definition of "commercial auditorium," "social club or lodge," or "places of worship."

RECREATION, COMMERCIAL Leisure-time uses that are principally operated for commercial purposes.

SPECIAL EXCEPTION A use for which the Zoning Hearing Board may grant permission following a public hearing & findings of fact consistent with this chapter, provided that the use complies with the conditions & standards required by this chapter.

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

The “Essential Services” and “Municipal or governmental buildings and uses” are identified as permitted land uses in the RO District.

§ 27-903 Uses Permitted by Special Exception.

The “Event Venue” land use and “Uses which, in the opinion of the Zoning Hearing Board, are of the same general character as the above uses in §27-803 and which will not be detrimental to the intended purpose of this chapter” are permitted by Special Exception in the RO District

c) 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 & 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.

B. For Special Exceptions:

(1) The applicant shall provide evidence to indicate to the Zoning Hearing Board that:

(a) The proposed use is consistent with the purpose of the Part whereby it is permitted and the overall purposes contained in Part 1.

(b) The proposed use and its location are generally consistent with the Comprehensive Plan and the current Gettysburg Borough Zoning Map.

(c) The proposed use complies with the lot requirements and the building height of the district where it is proposed.

(d) The proposed use is consistent with the general and supplemental regulations set forth in Part 15, and the design standards of Part 19.

(e) The proposed use will not substantially injure or 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) 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) The proposed use will promote preservation or adaptive reuse of the sites and structures identified by the Local Historic District Regulations [Chapter 11].

(h) The proposed use complies with the required off-street parking and loading regulations in Part 13.

(i) 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) The proposed use will provide for pedestrian access to the site.

(k) The proposed use will not adversely affect public facilities and utilities, such as water, sewer, police and fire protection, schools, etc.

(l) 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.