



ZONING HEARING BOARD MEETING AGENDA

Wednesday, January 24, 2024 at 7:00pm | Borough Council Chambers

I. Convene Meeting

II. Review and Approve Agenda

III. Minutes

- A. Review and approve September 27, 2023 meeting minutes - Postponed
- B. Review and approve January 10, 2024 reorganization meeting minutes

IV. Case # ZHB-230005

Applicant Goony 45, LLC

Properties Affected 202 Carlisle Street (Tax Parcel ID #16007-0024---000)

Applicant's Request The applicants seek a Special Exception for a Conversion Apartments land use and variance from § 27-804(5) regarding 5-foot side yard minimum setback requirements and § 27-1502(A) and (B) regarding apartment conversion general zoning district requirements and fire escape design requirements at the subject property.

V. Additional Business

VI. Adjourn



ZONING HEARING BOARD MEETING MINUTES

Wednesday, January 10, 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 7:00 p.m. by Zoning Hearing Board Solicitor Matthew Teeter.

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

Members Absent: Michael Birkner

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

Members of the Public: None.

Election of Officers:

Having begun the Zoning Hearing Board's organizational meeting, Matthew Teeter asked for a nomination for Chair of the Gettysburg Zoning Hearing Board for 2024. After discussion regarding Michael Birkner's notified absence, John Butterfield made a motion to nominate Rodger Goodacre, seconded by Darlene Brown. The motion carried 4-0. Rodger Goodacre then presided over the meeting.

Rodger Goodacre asked for a nomination for Vice-Chair of the Gettysburg Zoning Hearing Board for 2024. John Butterfield made a motion to nominate Michael Birkner, seconded by Darren Glass. The motion carried 4-0.

Rodger Goodacre then asked for a nomination for Secretary of the Gettysburg Zoning Hearing Board for 2024. Rodger Goodacre made a motion to nominate John Butterfield, seconded by Darren Glass. The motion carried 4-0.

General Board Comments and Introductions:

Matthew Teeter identified potential procedural issues that may occur with regards to approval of past minutes. Minutes for certain 2023 meetings have inadvertently been limited in information due to staffing changes at the Borough. Matthew Teeter will be coordinating with the stenographer to provide the Board with accurate minutes of prior 2023 meetings that will require Board approval. Matthew also discussed upcoming hearing dates related to cases ZHB-230005 and ZHB-230006. The hearing associated with

ZHB-230005 will be held on January 24, 2024, while staff anticipates a hearing date of February 21, 2024 and will confirm with the Board at a later date.

Members of the Zoning Hearing Board then provided introductions to John Whitmore who assumed the Zoning Officer role on January 2, 2024.

Discussion regarding Comprehensive Zoning Ordinance updates and Board Member Comments:

After introductions, Matthew Teeter asked for feedback regarding the most recent draft of the Gettysburg Borough zoning ordinance. John Butterfield provided a list of eleven identified issues as follows (as presented):

1. Table of Contents, page I, 27-201 & 202 “Establishment of Zoning Districts” repeated twice on same page.
2. Table of Contents, page ii, item 27-304 is omitted.
3. Table of Contents, page ii, Section 3.05. Expand the index to include all “Principal Uses” & cite page number for each.
4. Table of Contents, page ii, Section 3.06. Expand the index to include all (10) “Accessory Uses” & cite page number for each.
5. Table of Contents, page ii, Section 3.07. Expand the index to include all (4) “Temporary Uses” & cite page number for each.
6. Need definition of “Principal Use”, “Accessory Use” & “Temporary Use”.
7. Page 25-51. Footnote printing is excessively small.
8. Page 57. Do we really want “Manufactured Home(s)” Trailers in Low Density Residential” (R-1) districts?
9. Page 137. “Keeping of Chickens” is listed as an accessory use permitted by right however Chapt. 2 of the Code of Ordinances prohibits keeping chickens in the Boro.
10. Page 139. “Keeping of Honeybees” is listed as an accessory use permitted by right however Chapt. 2 of the Code of Ordinances prohibits keeping honeybees in the Boro.
11. The 84 pages (64-148) which make up “Principal”, “Accessory” & “Temporary Uses” need pagination and the “uses” should then be incorporated into the Table of Contents.

John Butterfield

After John Butterfield presenting the eleven items, Matthew Teeter led a discussion regarding the substantive nature of the review by the Board and potential issues that would be better addressed as individual citizens by the Planning Commission or Borough Council. Matthew then discussed potential language issues regarding applicant versus appellant and Pennsylvania’s application time constraints as opposed to appeals which have different time constraints for affected parties.

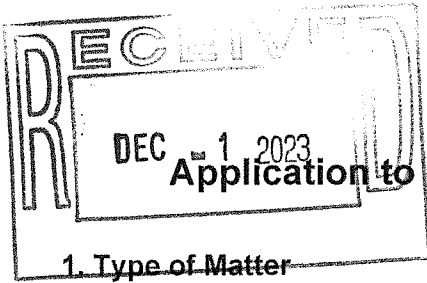
Matthew Teeter noted an issue with Temporary Uses, following a discussion regarding diagrams and development imaging proposed by the ordinance. Darren Glass indicated an issue with special exceptions for temporary uses and how a temporary use would functionally obtain a special exception. Additional concerns regarding the time limitations of a temporary use, what activities actually constitute a temporary use, and best practices were discussed by the Board.

Matthew Teeter identified a need for accurate and demonstrated property ownership with regards to applicants and appellants. It was noted that ownership should be established with any application in the form of a copy of the recorded deed. Additional issues related to notification of the Borough's planning and governing bodies properly obtaining Zoning Hearing Board information and certain recommendation practices, neighboring property owner notifications of cases, approvals requiring findings of fact and conclusions of law, language involving the rendering of a report, and explicit applicant and appellant timelines being identified in the ordinance, were discussed.

Announcements and Adjournment:

After all comments were made regarding the draft zoning ordinance, Rodger Goodacre wished everyone a happy new year and called the question for adjournment. A motion to adjourn the meeting at 8:50 p.m. was made by Darren Glass, seconded by John Butterfield, and the motion carried 4-0.

DRAFT



Property Address: 202 Carlisle 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 A, B

B - Variance from Section(s): 27-804. 5. Side Yards; 27-1502 A,B

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

D - Zoning Appeal, Section(s): _____

2. Applicant Name(s): Erik Mahler

Mailing Address: 1030 Merrick Rd., Baldwin, NY 11510

Phone: (516) 395- 7720 Email: Erik@MahlerRealty.com

3. Property Owner(s): GOONY 45, LLC (Erik Mahler, contact)

Mailing Address: 1030 Merrick Rd. Baldwin, NY 11510

Phone: (516)223-3111 Email: TracyLynnLLC.us@gmail.com

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

Name Gary W. Shaffer, RA (Shaffer Design Associates, PC)

Mailing Address: 26 N 4th Street, Gettysburg, PA 17325

Phone: (717) 338-0780 Email: gary@shafferarchitect.com

5. Applicant's Legal Counsel, if any:

Name: None

Mailing Address: _____

Phone: _____ Email: _____

6. Property Covered By Application

Address or location of Property: 202 Carlisle Street

Tax Map and Parcel # 16007-0024-000

(Attach copy of Tax Map)

Current Zoning District: RO Residential Office District

Applicable Zoning Overlays, if any: Streetscape Enhancement; Historic District

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 land and structure are to continue in use as a residential occupancy. The former single family residence and tourist home, has been used the last few decades as two partially separated dwellings, most recently with both serving as student housing with minimal separation. The plan being developed will separate the interior of the structure into distinct dwellings / apartments meeting all code separation requirements. The units will be designed to afford comfortable housing for any mix of residents, including college students, which is a continuation of the former occupancy. The units will not be specifically designed as student housing, but will be capable of providing for that need if the demand is there. They will also be designed to support residential use by any other demographic group that may reflect future changes in demand for housing in the Borough of Gettysburg. The major change in the structure will be the creation of the separate distinct dwelling units (conversion apartments). Students residing in those apartments would only be a continuation of the previous existing use. Similar to other conversion apartments in this neighborhood, besides students, the dwelling units could house college staff, faculty, or empty nester's downsizing to town living.

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

Per the Gettysburg Borough zoning ordinance, both the student housing use and the conversion apartments are uses permitted by special exception.

Section 27-803. Uses Permitted by Special Exception.

A. Apartments or condominiums, student housing.

B. Conversion apartments.

The Owner is requesting approval of the special exception required for conversion apartments and facilitating the restoration of this fire damaged historic building, an architectural gem. The special exception would allow continued residential use, configured as conversion apartments, available as housing for various demographics, including students, which was the previous occupancy and remains a prime market for that location. The adjacent neighboring property to the north, 204 Carlisle Street, is currently used as student housing, as are the structures on the northeast corner and southeast corners of the intersection of Water and Carlisle Streets. The special exception allows the Owner to restore a building to a use that maintains and continues the residential nature of this neighborhood.

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.

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:

The Variances requested relate to non-conforming dimensional and structural conditions that existed and were continuing prior to the devastating fire. Section 27-804 requires a five (5) foot side yard for all uses. This building was constructed before the zoning ordinance and does not meet the requirement for the five (5) foot side yard along the northern property line - an existing nonconformity. Compliance with this dimensional standard presents an unnecessary hardship that is infeasible to resolve within the established property boundaries. Section 27-1502 requires a roof over outside stairways. The existing stair is nonconforming as it is not under roof. Resolving this long existing condition would be unnecessary hardship.

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 was nonconforming to the zoning requirements prior to the recent fire damage. It had been in use as student housing for several decades. However, as normal with older historic structures, the building was not compliant with current building codes. To continue as a residential use for students, or other individuals, housing a similar number of residents will require conversion into smaller dwelling unit components. Conversion apartments are required to meet all lot requirements and therefore must be compliant with the five (5) foot side yard standard. While any other use for this property also requires the five (5) foot side yard setback, the conversion apartment use reflecting the previous use, specifically mandates full compliance with lot requirements. This existing condition makes that an impossibility.

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

Describe how the hardship was created:

The hardship - an existing, physical condition, related to a non compliant side yard setback, was created when the building was constructed in 1895 prior to enactment of any zoning ordinance. The location of the structure on the lot does not meet the dimensional standard of five (5) feet for a required side yard. The structure can not be physically altered to be compliant. The existing exterior stairway has been in place for several decades and was constructed without a roof covering. Providing the roof covering for this existing stair, which will remain in this location with some possible modification to tread size to become more IBC building code compliant.

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:

These variances should have no negative impact on or alter the character of the neighborhood. They would serve only to continue the same or a similar use for the restored residence. They reflect existing conditions that have been in place for over fifty years since enactment of the Borough zoning ordinance, supporting use of the property as student housing for most of that time. The adjoining historic property to the north is also student housing, as are the structures on the two eastern corners of the intersection. This property has been a key structure contributing to this vibrant neighborhood of students and other residents for many years, with student housing being established in the 1970's.

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:

There are two existing, non conforming physical conditions for which variances are being sought. The five foot (5) side yard that is listed in Section 27-804. Lot Requirements., can not be met as the historic structure was built in that setback when constructed in 1895. The two adjacent facilities have functioned with that established condition since construction. It can't be altered. In respect to the ordinance, any new extensions or additions to the structure (not expected) will respect the required or existing setbacks as required by the ordinance and no modification of the ordinance is being requested for conditions created by new construction.

The fire stairway required for occupancy of the second floor rooms as student housing, was constructed in the 1970's without a roof covering. In rehabilitating the building, the owner will be repairing and maintaining this stairway. Open stairs have recently been allowed for apartments. However, conversion apartments still list the requirement for a roof covering.

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.

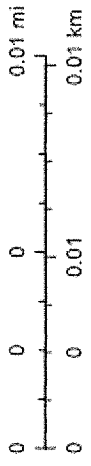
Adams County Tax Parcel Viewer Map



11/28/2023, 2:49:11 PM

202 CARLYLE ST.

1:282




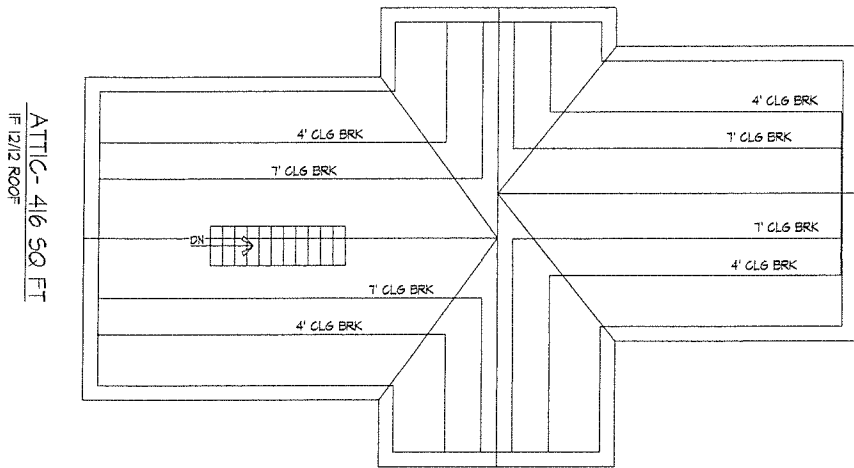
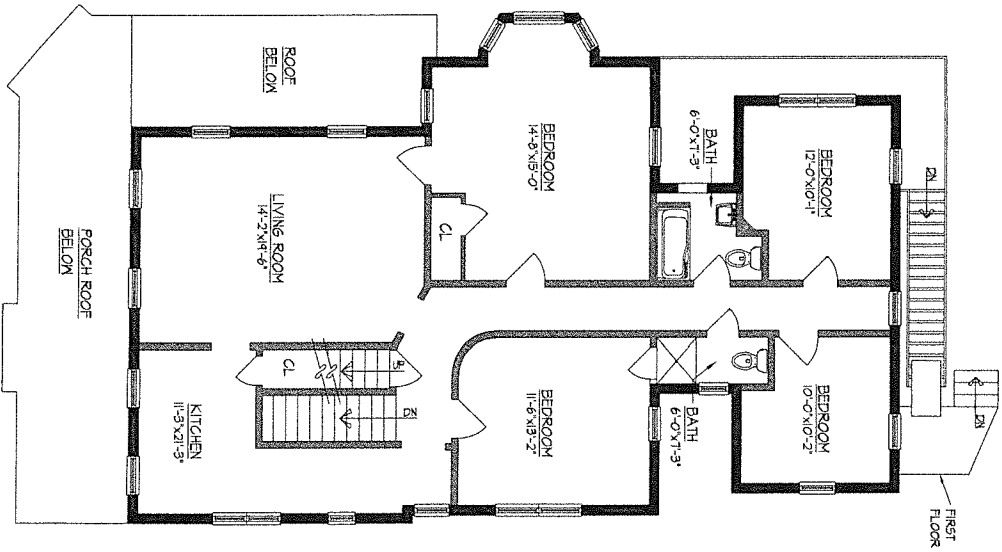
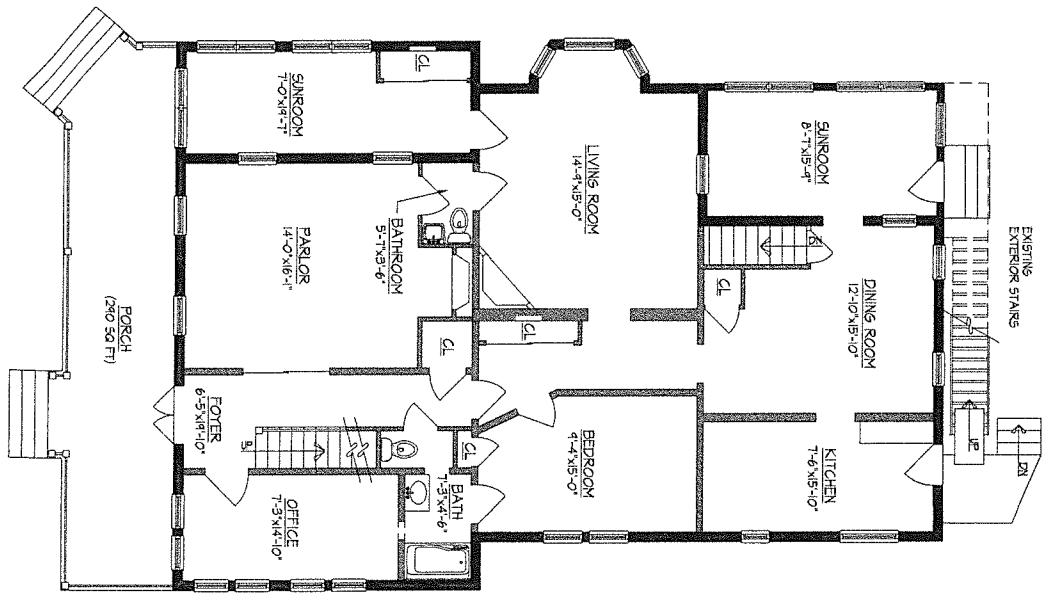
- Municipal Boundary
- Parcel Boundary
- Address Points
- Street Centerline

Esri, HERE, Garmin, (s) OpenStreetMap contributors, and the GIS user community, Esri, HERE, Garmin, GeoTechnology, Inc., USGS, EPA



202 CARLISLE STREET
NTS

PROJECT TITLE 202 CARLISLE STREET RESTORATION 202 CARLISLE STREET, GETTYSBURG PA 17325				 SHAFER DESIGN ASSOCIATES, P.C. Gary W. Shaffer, Architect 26 North Fourth Street • Gettysburg, PA 17325 P: 717.338.0780 F: 717.338.0750
SHEET AI	DATE 12-1-2023	SCALE NTS	PROJ. NO. 23-043	



PROJECT TITLE
 202 CARLISLE STREET RESTORATION
 202 CARLISLE STREET, GETTYSBURG PA 17325

SHEET
 A2

DATE
 12-1-2023

PROJ. NO.
 23-043

SHAFFER
 DESIGN ASSOCIATES, P.C.

Gary W. Shaffer, Architect
 26 North Fourth Street • Gettysburg, PA 17325
 P: 717.338.0780 F: 717.338.0750



To: Gettysburg Borough Zoning Hearing Board

From: Peter Griffioen, Assistant Zoning Officer & Code Compliance Officer
John Whitmore, AICP, Zoning Officer and Director of Planning, Zoning, and Code Compliance

CC: Matthew E. Teeter, Solicitor

Date: January 19, 2024

RE: ZHB-230005
202 Carlise Street, Gettysburg, PA 17325
Variance & Special Exception 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: 202 Carlise Street

Type of Project: Variance from Sections 27-804(5) and 27-1502(A) and (B)
Special Exception per Sections 27-803(A) and (B)

Project Address: 202 Carlisle Street

Case Number: ZHB-230005

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

Property Owner(s): GOONEY 45 LLC
1030 Merrick Road
Baldwin, NY 11510

Applicant: Erik Mahler
1030 Merrick Road
Baldwin, NY 11510

Applicant's Agent: Gary Shaffer, RA
26 North 4th Street
Gettysburg, PA 17325

Submission Date: A complete application was submitted to the Zoning Officer on December 1, 2023.

MPC Timeline:

- The applicant was notified of the January 24, 2024, hearing date via First Class Mail on January 9, 2024.
- The hearing advertisement was sent to the Gettysburg times for publication on January 10, 2024, and January 17, 2024.
- The adjacent property owners will be notified of the hearing via letter mailed first class on Friday, January 12, 2024.
- The property was clearly posted with signs on January 12, 2024.

Planning Commission Review: The Gettysburg Planning Commission reviewed the application at their meeting on January 16, 2024, and provided their recommendation to the Zoning Hearing Board in a letter dated January 19, 2024, attached.

BACKGROUND INFORMATION

1. PROPOSED ACTION

§ 27-803 Uses Permitted by Special Exception.

The applicant seeks a Special Exception for the following land uses:

- (A) Apartments or condominiums, student housing.
- (B) Conversion apartments.

§ 27-804(5) Side yard setbacks.

The applicant seeks a variance from the minimum five (5) foot side yard setback.

§ 27-1502 (A) All other district requirements shall be met.

The applicant seeks a variance from district standards as they relate to side yard setbacks.

§ 27-1502 (B) Outside fire escape and stairways shall be under roof.

The applicant seeks a variance from exterior stairwell roofing requirements.

2. SITE HISTORY

Goony 45 LLC a Pennsylvania Domestic Limited Liability Company purchased the property situated at 202 Carlisle Street, Gettysburg, PA 17325 in November of 2023. The Property is approximately 10,019 sq. ft. in size & is located within the RO (Residential Office), the H (Historic), and the SE (Streetscape Enhancement Overlay) Districts.

Prior Use(s):

Our records dating back to 1998 indicate that this property had been used as a detached two-family land use based rental unit.

Recent Permitting and License History:

06/23/2023 RRI-230097 Regulated Rental Inspection (Passed)

Prior Zoning Hearing Board Decision(s): None identified.

3. RELEVANT ZONING SECTIONS

a) DEFINITIONS

APARTMENT (CONVERSION) A dwelling created by converting an existing building into a dwelling for one or more families.

APARTMENT HOUSE A building designed and used exclusively as a residence for three or more families living independently of each other.

CONDOMINIUM A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under either the Pennsylvania Unit Property Act of 1963 or the Pennsylvania Uniform Condominium Act of 1980, as amended.

DWELLING (APARTMENT) See "dwelling (multifamily)."

DWELLING (MULTIFAMILY) A building used by three or more families living independently of each other, with their own cooking and bath facilities, including apartment houses and condominiums.

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.

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.

STUDENT HOUSING A multifamily dwelling with rooms for rental to students. The owner, or person responsible, 21 years of age or over, shall live on the premises.

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.

§ 27-502 Uses Permitted by Right

The “apartments or condominiums, student housing” land uses and “conversion apartments” land use is not included in the uses permitted by right in the RO District.

§ 27-503 Uses Permitted by Special Exception.

The “apartments or condominiums, student housing” land uses and “conversion apartments” land use is permitted by Special Exception in the RO District

c) PART 15 GENERAL AND SUPPLEMENTAL REGULATIONS

§27-1502 Apartment Conversions. A structure may be converted into apartments, provided that the following requirements are met: § 27-1503. Accessory Buildings and Structures. A. All other district requirements shall be met. B. Outside fire escapes and stairways shall be under roof and shall not be on any outside wall facing a street.

d) 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:

- (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 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.
- (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 & 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 & will represent the least modification possible of the regulation in issue.
- (6) 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.

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.



MEMO

To: Borough of Gettysburg Zoning Hearing Board

From: John Whitmore, Director of Planning, Zoning and Code Enforcement

Date: January 19, 2024

Re: **Planning Commission Review**
ZHB-230005 Goony 45, LLC; 202 Carlisle Street
Application for a special exception pursuant to Sections 27-803.A. and 27-803.B for a Conversion Apartment land use and variances from Sections 27-804.5. and 27-1502.A. of the Zoning Ordinance relating to the minimum five-foot side yard setback and a variance from Section 27-1502.B of the Ordinance to permit the existing outside fire escape or stairway to be repaired or reconstructed without it being under roof.

At its meeting on Tuesday, January 16, 2024 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 approval of the request for special exception for a Conversion Apartment land use in consideration the following:

1. Maintains historic character of the structure.
2. Provides increased housing opportunities within the borough.

The Planning Commission voted unanimously to recommend approval of the request for variance from Sections 27-804.5. and 27-1502.A. of the Zoning Ordinance relating to the minimum five-foot side yard setback in consideration the following:

1. The hardship was not created by the applicant as the structure predates zoning.

The Planning Commission provides no recommendation for variance from Section 27-1502.B of the Ordinance to permit the existing outside fire escape or stairway to be repaired or reconstructed without it being under roof.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'J. Whitmore', with a long horizontal stroke extending to the right.

John Whitmore, AICP
Zoning Officer
Director of Planning, Zoning and Code Enforcement
Borough of Gettysburg
jwhitmore@gettysburgpa.gov