



EAST BERLIN BOROUGH

128 Water Street, East Berlin, PA 17316

Phone (717) 259-9224 / Fax (717) 259-8298

September 6, 2023

East Berlin Borough Council
128 Water Street
East Berlin, PA 17316

Re: Determination
Residential Use of 101 Fourth Street

To Whom It May Concern,

In my capacity as the East Berlin Borough Zoning Officer, I have been asked for a determination as to whether residential use could be established at 101 Fourth Street (also known as the Old Fire House property).

The property is located within the Borough Core (BC) District of the Zoning Ordinance. Section 500-11.A(1) authorizes single-family detached dwelling as a permitted use within the BC District. Thus, converting the building to a single-family detached residential use can be authorized.

The above stated, it is also noted that the property is nonconforming with regard to a variety of the dimensional standards of the BC District. At a minimum, the property has a lot area of approximately 3,484.8 square feet, a lot width of approximately 28 feet, and a lot coverage of 100%. The property is therefore nonconforming with regard to these dimensional standards for any proposed use. In addition, the property provides zero parking spaces, and is therefore nonconforming with regard to the minimum parking space standards for any use.

Zoning Ordinance Article XIII establishes standards governing how buildings and uses may be established on lots that are nonconforming with regard to one or more dimensional standards. Section 500-86.B is specifically applicable to this situation. In a situation where the lot is nonconforming with regard to minimum lot area (such as the subject lot), Zoning Permit approval for a new use may not be provided for a use that has a minimum lot area requirement that exceeds the "generally required minimum lot area standard for the district as a whole." This standard is interpreted to allow uses to be permitted that are subject to the smallest minimum lot area standard of the zoning district. In the case of the subject property, this interpretation limits change of use of the property to only single-family detached dwellings, the permitted use associated with the smallest minimum lot area standard.

In summary, the subject property at 101 Fourth Street may be used as a single-family detached dwelling. An East Berlin Zoning Permit would have to be applied for

and received to authorize the use, and the Zoning Permit would have to be issued in accordance with nonconforming lots standards of Zoning Ordinance Section 500-86.

I trust that this correspondence provides the requested determination regarding potential residential use of 101 Fourth Street (the Old Firehouse property). Please feel free to contact me by phone at 717-337-9824 or by email at rthaeler@adamscountypa.gov should further discussion regarding this matter be required.

Sincerely,



Robert Thaeler

East Berlin Borough Zoning Officer

cc. Cindy Smith, Borough Secretary
Matthew Battersby, Esq., Borough Solicitor