



## **EAST BERLIN BOROUGH**

128 Water Street, East Berlin, PA 17316

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

October 4, 2023

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

Re: Determination  
Nonresidential Use of 101 Fourth Street

To Whom It May Concern,

In my capacity as the East Berlin Borough Zoning Officer, I was previously asked for a determination as to whether residential use could be established at 101 Fourth Street (also known as the Old Fire House property). A determination was provided by correspondence dated September 6, 2023, and remains in effect. At this time, I have been asked for further determination as to whether nonresidential uses could be established at the property.

The property is located within the Borough Core (BC) District of the Zoning Ordinance. Section 500-11.A(1) authorizes a wide range of nonresidential uses as permitted uses within the BC District. Thus, converting the building to nonresidential uses can potentially 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.

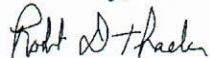
Zoning Ordinance Article XIII establishes standards governing how buildings and uses may be established on lots that are nonconforming with regard to one or more dimensional standards. Section 500-86.B is specifically applicable to this situation. In a situation where the lot is nonconforming with regard 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 nonresidential use of the subject property, this interpretation limits change of use of the property to only uses that are subject to the base

nonresidential minimum lot area standard of 5,000 square feet, as established in Section 500-13.A(4).

In summary, the subject property at 101 Fourth Street may be used as for various nonresidential uses of the Borough Core (BC) District, provide that such uses are by-right permitted uses of the BC District and that such uses are ordinarily subject to the minimum lot area standard for nonresidential uses as established Section 500-13.A(4). 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 the 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](mailto: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