



## ZONING HEARING BOARD MEETING MINUTES

Wednesday, July 26, 2023 at 7:00pm | Borough Council Chambers

*Please refer to the Transcript of Testimony of the hearing held on Wednesday, July 26, 2023 at the Borough municipal building, 59 E. High Street, Gettysburg Pennsylvania for a verbatim record of the proceedings.*

**Call to Order:** The meeting of the Gettysburg Borough Zoning Hearing Board was called to order at 7:05 p.m. by Chair Rodger Goodacre.

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

**Staff Members:** Carly Marshall, Planning Director; Matthew Teeter, Zoning Hearing Board Solicitor, Corrie Ondrazek Stenographer

**Members of the Public:** Scott English, 66-68 W. High St.; Stacey Rice, @Home Adams County; Walter Mickey Barlow, 34 N. Stratton St.; Carolyn Delap; Brian Hodges, 137 Ridge Ave.; Shelley Knouse, Fresh Boutique; Robin Fitzpatrick, Adams Economic Alliance; Linda Atiyeh, Gettysburg Investors LLC Gallery 30; Nancie Gumstead, 309 Baltimore St.; Sharon Monahan, West Broadway; Wesley Heyser, 226 N. Stratton St.; Kurt Williams, Salzmann Hughes; Charles Strauss, 43 W. Broadway; Judi Seniura, Gettysburg Connection

### **ZHB-230002 Gettysburg Station Special Exception and Variance Requests:**

Rodger Goodacre noted that Michael Birkner missed the first hearing on this matter and would be abstaining from the vote. He also noted that there had been an executive session during the last meeting and two subsequent executive sessions to discuss the application.

Darlene Brown made a motion with respect to the increased height incentive under Section 27-1524.2.W.(2)(a), which is the incentive whereby 24 feet of increased height can be approved if the Applicant provides at least 25% of required parking within a building housing one or more permitted uses, to find that the Applicant's plans do not meet the requirements for this incentive.

Darren Glass provided a second, and the motion carried 4-0 with 1 abstention.

Darren Glass made a motion with respect to the increased height incentive under Section 27-1524.2.W(2)(b), which is the incentive whereby 12 feet of increased height can be provided if the applicant moves the transit center with public restrooms, to find that the Applicant's plans, as presented, meet the requirements for this incentive.

Darlene Brown provided a second, and the motion carried 4-0 with 1 abstention.

John Butterfield made a motion with respect to the increased height incentive under Section 27-1524.2.W.(2)(d), whereby 12 feet of increased height can be provided if the Applicant constructs a segment of the Gettysburg Inner Loop across the property, which shall then be dedicated to the Borough for public use, to find that the Applicant's plans, as presented, meet the requirements of this incentive.

Darren Glass provided a second, and the motion carried 4-0 with 1 abstention.

Darlene Brown made a motion with respect to the Applicant's request for a variance from Section 27-1524.2.W.(4)(a) and (b), which pertains to the building step-back requirement, to find that the Applicant's plans, as presented, do not require a variance, because the Board interprets the step-back requirement to apply to buildings which are built to the applicable building set-back line; provided however, that to the extent these sections of the ordinance are applicable, the Board would grant a variance.

John Butterfield provided a second, and the motion carried 4-0 with 1 abstention.

Darren Glass made a motion with respect to the Applicant's request for a variance from Section 27-1524.2.W.(5), which references a 45-degree angular plane related to the step-back requirement, to find that the Applicant's plans, as presented, do not require a variance, because the Board has interpreted the step-back requirement as not being applicable in these circumstances; provided, however, to the extent that this section of the ordinance is applicable, we would grant a variance.

Darlene Brown provided a second, and the motion carried 4-0 with 1 abstention.

John Butterfield made a motion based on the foregoing findings and conclusions, which will be explained in greater detail in the written decision to be issued by the Board, to grant the Applicant's request for a special exception pursuant to Section 27-8A03.B of the Gettysburg Borough Zoning Ordinance, to permit the Applicant to construct a mixed-use building of up to 72 feet in height, with the following clarifications and conditions:

1. The Board's determination that the Applicant's proposed development of the subject properties meets specific standards found in Section 27-1524.2.W.(3) of the Ordinance and the general standards found in Section 27-1704.B.(1) of the Ordinance is based on the evidence presented at the hearing, including the plans presented and entered into evidence. Any substantial and material changes to the Applicant's plans, as presented, shall require the Applicant to re-apply to this Board for relief from, or pursuant to, applicable provisions of the Zoning Ordinance.
2. The Applicant shall plant deciduous trees in the "lawn area" located to the North and East of the proposed, 7-story mixed-use building, shown as "Building B" on the plans submitted with the Application, which shall reach a height of at least 40 feet at maturity. The number and types of trees which are appropriate for the location shall be determined in consultation with the Gettysburg Borough Planning Commission as part of the land development process. The purpose of this requirement is to provide a transition in scale to nearby buildings on adjacent properties. It shall be the responsibility of the Applicant, its successors or assigns, to plant, maintain and replace the trees.
3. The improvements on the subject properties shall be constructed with architectural features and finishes which are appropriate to the environs and which are consistent with the guidelines found

in the Gettysburg Design Guide, as applicable and as determined by the Gettysburg Historical Architectural Review Board, including, without limitation, the guidelines applicable to new construction; provided, however, that nothing herein shall be interpreted to require a reduction in the increased height to which the Applicant is otherwise entitled pursuant to this decision.

Darren Glass provided a second, and the motion carried 4-0 with 1 abstention.

Darlene Brown made a motion to grant the Applicant's request for a variance from Section 27-8A05.1 of the Gettysburg Borough Zoning Ordinance, to permit the Applicant to construct the proposed transit center on North Stratton Street to a minimum height of 21 ½ feet, on the basis that it is a de-minimus variance from the applicable minimum height standard; provided, further, that this variance shall also apply to the minimum height standard set forth in Section 27-1903.5.D., which is the identical minimum height requirement found in the Streetscape Enhancement Overlay District.

John Butterfield provided a second, and the motion carried 4-0 with 1 abstention.

Darren Glass made a motion to adjourn the hearing at 7:25 PM. John Butterfield provided a second, and the motion carried 5-0.

**Public Comment:**

Kurt Williams thanked the board for their time and apologized on behalf of his client due to a scheduling conflict.

Carolyn Deloe asked if the ordinance can be changed in the future, and whether 24-hour gaming rooms be located on the subject property. Mr. Teeter responded that the questions are beyond the scope of the Zoning Hearing Board in this matter.

Walter Barlow commented that he understands the Zoning Hearing Board has to go with what they're given, but that Gettysburg is historical and is being taken from a residential setting to a commercial setting from day to day and the public has to be concerned about corruption in every level of government.

Mr. Birkner expressed frustration with the implication of corruption by citizen boards and other bodies of the Borough.

Darren Glass made a motion to adjourn the meeting at 7:38 PM. Michael Birkner provided a second, and the motion carried 5-0.