



ZONING HEARING BOARD MEETING MINUTES
Wednesday, September 27, 2023 at 7:00pm | Borough Council Chambers

Please refer to the Transcript of Testimony of the hearing held on Wednesday, September 27, 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 7:00 p.m. by Chair Rodger Goodacre.

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

Staff Members: Carly Marshall, Planning Director; Matthew Teeter, Zoning Hearing Board Solicitor, Corrie Ondrazek Stenographer, Peter Griffioen, Code Compliance Officer; Paige Stewart, Planning Intern.

Members of the Public: Sue Cipperly, 314 N. Stratton St.; Martin Bagley, 48 South St.; John Kovalski, 42 South St.; Michael and Christina Villanti, 44 South St.; Kimberly Mayers, 55 South St.; M&A Miner, 322 Gettys St.; Kurt Kramer, 12 Wade Ave.; Wayne Mayers, 55 South St.; Mike Helm, 52 South St. and John Wilson, 135 North George Street York, PA.

Review and Approve Minutes: Darlene Brown made a motion to accept the minutes for April 26, 2023, June 28, 2023, and July 26, 2023 as presented. John Butterfield provided a second, and the motion carried unanimously.

ZHB-230004 Gettysburg Station Special Exception and Variance Requests:

John Butterfield read the legal notice for the hearing for the record.

Attorney Teeter introduced for the record Board Exhibit 1- proof of publication of legal notice, letter dated September 7, 2023 to the applicants with notice of the hearing, notice that was posted to the property with notification of the hearing, signed list of mailed notices sent to 6 adjacent property owners on September 20, 2023. Attorney Teeter provided a pre-hearing brief explaining the purview and procedures for the Zoning Hearing Board for the purpose of deliberating the Special Exception and Zoning Variance applications.

The Villanti's, owners of 44 South Street presented their request to the Zoning Hearing Board for Variance from Sections 27-502, 27-503, and 27-50 9 to operate a vacation rental at the property.

Carly Marshall, Zoning Officer, provided the Planning Commission recommendations.

Cross examination between members of the public occurred with John Kovaleski asking about the location of the property and financial hardship. Mike Helm asked the applicants about the length of time their son would be attending Gettysburg College, identified as two years. Kimberly Mayers asked about how the applicant had researched the borough and its laws, with the applicant indicating that they relied upon their real estate brokers involved in the sale.

Wayne Mayers – 55 South Street – encouraged ZHB to deny variance and to encourage the Borough with regulating Short term rentals. Prior to the regulation of STR's we had a short term rental on the street and at that location. Mayers indicated that the house has since been bought by a couple that works and owns in the Borough. Mayers expressed that the overlay is working, and we have people in those houses all the time and all year long.. A lot was spoken about affordable housing, but there is also the affordability at settlement time. There are all these bidding wars that happen when a house goes to sale and people that want to buy the home can't compete with people wanting to use them for vacation rentals, and it prices out the average Joe that is looking to buy a house to live in.

Mike Helm 52 South Street – Agreed with Wayne that we really are against the variance. Helm indicated that the investment that we have all make on our houses on South Street, it is not transient in nature, and that people live in the neighborhood and the variances would dilute that. Mike Bagley stated the use of structures as being community focused.

John Kovaleski 42 South St provided he knew Mike and Christine and Mike and John had contact about their rental and that he was concerned with a hotel situation occurring.

Cross examination by Solicitor Wilson occurred with witnesses Bagley, Mayers, Kovaleski. Upon completion Rodger Goodacre opened public comment.

Mary Miner – 322 Gettys Street, indicated that she had lived there for 15 years from New York, and that she was not delighted with Airbnb's.

Kurt Kramer 12 Wade Avenue –strongly urged the Board to reject the application, and that he lived in a zone that is mixed zoning and I am surrounded now by Airbnb's. The owners are lovely people, but they aren't the people that are there. Kramer indicated that people parking on his grass, littering, and making noise at midnight. It was his opinion that Gettysburg doesn't need another Airbnb. This is a classic case of buyer beware.

Michael Birkner moved , Darren Glass provided a second and the Board voted unanimously to convene to executive session at 9:06 PM.

Mr. Goodacre called executive session to a close and reconvened the hearing at 9:20 PM

Darren Glass moved to deny the request based on the fact that the criteria for granting a variance had not been met. Darlene Brown provided a second. The motion passed unanimously.

Mr. Birkner explained to the applicant that while the applicant does seem to have a legitimate gripe with their realtor. We are delighted that you love Gettysburg, that your son loves Gettysburg, and that the owners have a commitment to the community.

Additional Business: None.

Adjournment . Rodger Goodacre then asked for a motion to adjourn the meeting with Micheal Birkner making the motion to adjourn, seconded by Darren Glass. The motion passed unanimously, and the meeting was adjourned at 9:25 p.m.