



ZONING HEARING BOARD MEETING AGENDA

Wednesday, June 28, 2023 at 7:00pm | Borough Council Chambers

I. Convene Meeting

II. Review and Approve Agenda

III. Review and Approve April 26, 2023 Minutes

IV. Case # ZHB-230002

Applicant 501 Richardson Acquisition, LLC

Properties Affected 103 Carlisle Street (Tax Parcel ID #16007-0109---000)
102 N. Stratton Street (Tax Parcel ID #16007-0125A--000)
108 N. Stratton Street (Tax Parcel ID #16007-0125---000)
Property on the east side of N. Stratton Street immediately north
of the railroad tracks (Tax Parcel ID #16007-0216---000)

Applicant's Request The applicant seeks the following relief pursuant to or from the provisions of the Gettysburg Borough Zoning Ordinance:

- (i) Special Exception pursuant to Section 27-8A03.B. to extend the maximum building height from 48 to 72 feet, plus an additional 12 feet for mechanicals
- (ii) Variances from Section 27-1524.W(4)(a)-(b) and Section 27-1524.W(5) to permit the 7-story building to be constructed without the building step-backs described therein
- (iii) Variance from Section 27-8A05.1. to permit the new Transit Center to be constructed to a height that is less than the 24-foot minimum building height in the ROR district.

V. Additional Business

VI. Adjourn

103 Carlisle St., &
Property Address: 102 & 108 N. Stratton St.

Application to Gettysburg Borough Zoning Hearing Board

1. Type of Matter

- A - Special Exception per Ordinance Section (s): 27-8A03.B
- B - Variance from Section(s): 27-1524.W.(4)(a)-(b)&(5); 27-8A05.1.
- C - Change or expansion of nonconforming use, Section(s): _____

2. Applicant Name(s): 501 Richardson Acquisition, LLC

Mailing Address: 900 S. Ave., Suite 300, Staten Island, NY 10314

Phone: 718-568-3507 Fax: _____

3 Property Owner(s): _____

Property: 103 Carlisle St.	Properties: 102 & 108 N. Stratton St.
Owner: Adams County Transit Authority	Owner: 501 Richardson Acquisition, LLC
Mailing Address: 103 Carlisle Street, Gettysburg, PA 17325	Mailing Address: 900 S. Ave.,
Phone: 1-800-632-9063 Fax: 717-848-4853	Suite 300, Staten Island, NY 10314
	Phone: 1-800-632-9063 Fax: 717-848-4853

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

Name Landcore Engineering Consultants

Mailing Address: 12 W. Willow Grove Ave., Philadelphia, PA 19118

Phone: 1-215-836-2510 Fax: _____

5. Applicant's Legal Counsel, if any:

Name: Kurt E. Williams

Mailing Address: 354 Alexander Spring Road, Ste 1, Carlisle, PA 17015

Phone: 717-249-6333 Fax: _____

6. Property Covered By Application

Address or location of Property: 103 Carlisle St., & 102 & 108 N. Stratton St.

Tax Map and Parcel # _____	Adams County Transit Authority 16007-0109 DB 5395, PG 677	501 Richardson Acquisition, LLC 16007-0125 DB 5826, PG 277 (LOTS 1 & 2) 16007-0125A DB 5826, PG 277 (LOTS 1 & 2) 16007-0128 DB 5826, PG 277 (LOT 4)
(Attach copy of Tax Map)		

Current Zoning District: ROR District (Residential/Office Redevelopment District)

Applicable Zoning Overlays, if any: NA

103 Carlisle St., &
Property Address: 102 & 108 N. Stratton St. _____

7. Property Characteristics

Describe the present use of the property:

Existing Rabbit Transit Gettysburg Transfer Station
Vacant land

8. Describe the existing structures on property, if any:

The existing transfer station is a 1-story brick building with a standing-seam metal peaked roof.

9. Applicant's Interest In The Property

- Own Property Date title acquired: July 16, 2021
- Lease Property Term of Lease: _____
- To Purchase Date contract: Pending (Transit Site)
- Other Explain: _____

9. Applicant's Verification

I verify that the statements made in the foregoing application are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

Signature *[Handwritten Signature]* Title *501 Richardson Acquisition, LLC*
Manager

For Office Use Only (do not write in this box)

Date Accepted and Filed _____ Filing Fee \$ _____

Scheduled Dates: Planning Commission: _____

Zoning Hearing Board: _____

Date Received: _____ Zoning Officer Signature: _____

Grounds For Hearing

Complete Section A, B, and/or C as appropriate. Use additional pages as needed.

Each Applicant must attach to this application: drawings and/or sketches indicating the actual outline of the lot, setback requirements, existing structures, changes to existing structures, any proposed new structures or units, and type of construction. Submit fourteen (14) copies.

Plans must include dimensions, and if applicable must also show improvements, public easements, individual easements, improvements to public right of ways, common areas and any other items necessary to explain the reasons for the hearing application.

Failure to provide required information will delay your 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:

Applicant proposes 3 mixed use buildings. Buildings A & C are compliant to the baseline height of 48 feet and front on the public streets, whereas Building B is the basis of the Special Exception to permit the "extended height" to 72 ft. All buildings are mixed-use with a retail/restaurant/commercial user(s) on the first floor and remaining building area used for market-rate rental apartments (residential). Associated parking, including an covered parking deck, is proposed along with an extension of the Gettysburg Inner Loop Bike Trail.

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

Applicant is seeking the Mixed-Use Building, Extended Height option permit by Special Exception under 27-8A03.B.

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.

Variances are requested herein.

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.

103 Carlisle St., &
Property Address: 102 & 108 N. Stratton St.

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.

Special Exception Narrative (Use this page or a separate one to provide additional detail.

As required by 27-1524.W. the proposed Application is compliant with all the Additional Requirements for Specific Principal Uses, as noted on the Site Plan. This includes proposing Internal Parking, Relocating the existing Transit Center, and proposing an extension of the Gettysburg Inner Loop. The layout of the Site is proposed such that the extended height building is centered on the site with as much separation from the Public Roadways and Residential Homes as can be provided, this provides the required transition in scale and massing of the buildings with respect to existing street proportions.

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:

Due to the irregular property shape and location of the Residential Zoning Boundaries the Building Massing is more appropriate to not build directly up to the minimum property line setback. This irregular property shape and proposed building massing also permits additional green space and/or landscape buffering along the Residential Zoning Boundary.

For the Transit Center lot, the property is undersized and collapsing in width with affects the ability to generate a building size that would be proportional to a 24 ft tall building.

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:

In order to comply with the code required "step-back" requirements we would need to extended the lower stories of the building below 48 ft out to the minimum property setback line thus eliminating the perimeter green space and creating less efficient building massing. This hardship and proposed Variance does not create additional impact to the adjacent properties but rather provides a benefit of additional green space while the upper stories of the building from 48 ft to 72 ft would remain in the same location.

For the Transit Center due to the reduce lot size and width, a building complying with the minimum height standard would be out of scale to the footprint of the proposed building and would not be in character of the surrounding properties.

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

Describe how the hardship was created:

These hardships are the nature of the existing lots.

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:

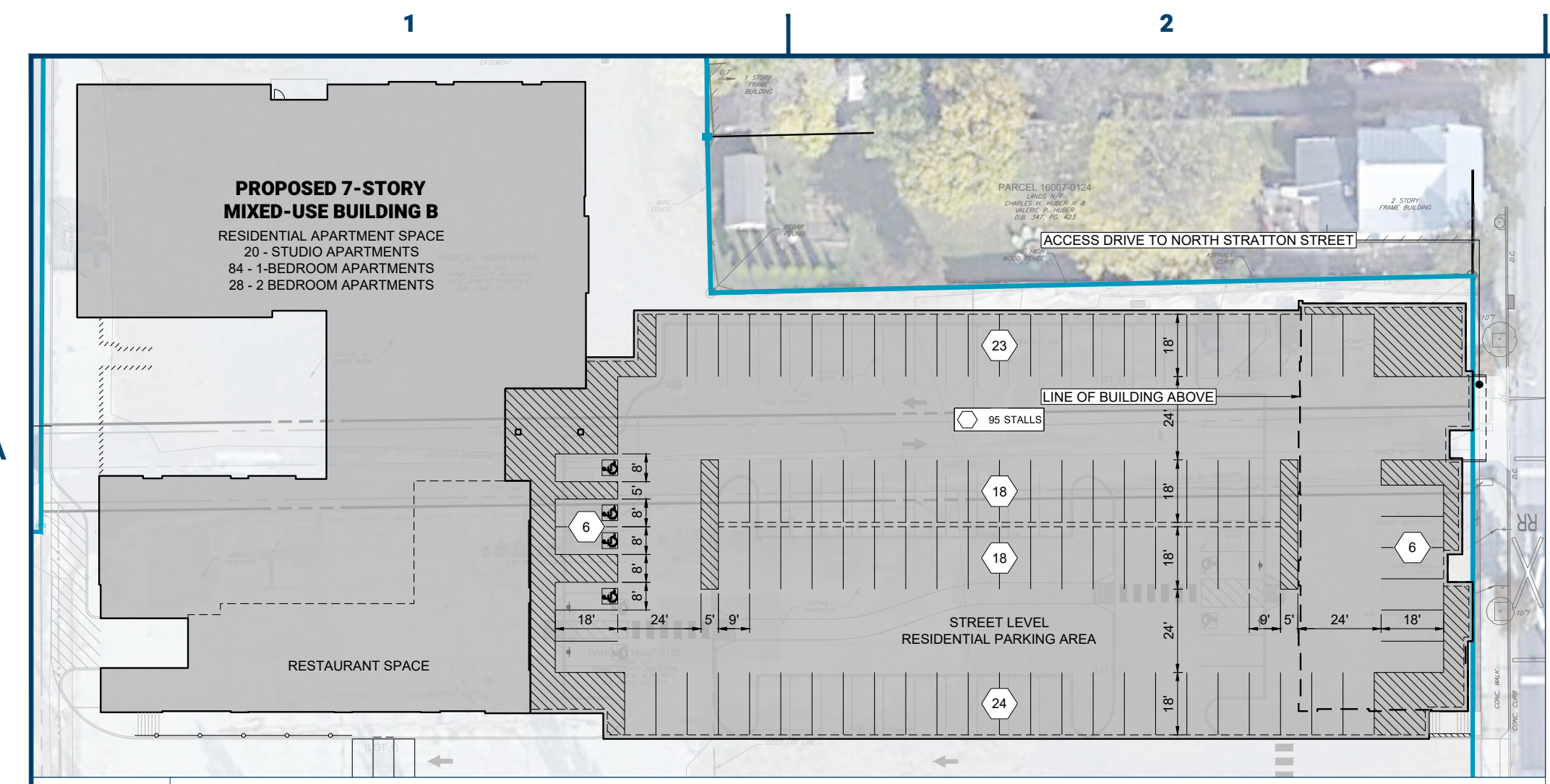
Buildings were designed to honor the scale and streetscape of the surrounding properties and the "step-back" Variance would offer additional green space along the property boundary.

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:

The site was designed to minimize the Variance request to the greatest extent feasible.

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.



A1 GROUND FLOOR PARKING PLAN
SCALE: 1 INCH = 40 FEET

PARKING STALL REQUIREMENTS			
USE	REQUIREMENT	PARKING REQUIRED	
		USE REQ.	PARKING
RESTAURANT	1 STALL PER 300 SF	7,043	23.5
RETAIL	1 STALL PER 750 SF w/ GFA	7,895	10.5
APARTMENTS	1 STALL PER UNIT	164	164.0
TOTAL		15,102	197.0
PARKING PROVIDED		192 (A)	

(A) ADJOINING PARKING GARAGE TO BE UTILIZED FOR PARKING STALL DEFICIT ON SITE (S 27-1304)

LOADING STALL REQUIREMENTS			
USE	REQUIREMENT	PARKING REQUIRED	
		USE REQ.	PARKING
BUILDING A	1 BERTH PER 10,000 SF	5,395	0.5
BUILDING B	1 BERTH PER 10,000 SF	4,543	0.5
BUILDING C	1 BERTH PER 10,000 SF	5,000	0.5
TOTAL		15,000	1.5
LOADING PROVIDED		3	

(V) VARIANCE REQUIRED | (EX) EXISTING NON-COMFORMANCE | (W) WAIVER REQUESTED | (TBD) TO BE DETERMINED | (NA) NOT APPLICABLE | (NS) NOT SPECIFIED

BULK REQUIREMENTS (MIXED-USE)				
REQUIREMENT	REQUIRED	EXISTING	PROPOSED	SECTION
BUILDING REQUIREMENTS				
MINIMUM LOT AREA	(SF)	(NS)	113,486	113,486
MINIMUM LOT WIDTH	(AC)	-	2,605	2,605
MINIMUM LOT WIDTH	(FT)	20	119.63	119.63
MINIMUM YARD SETBACKS				
BUILD TO LINE (N STRATTON)	(FT)	10	(NA)	0.26
BUILD TO LINE (CARLISLE)	(FT)	10	12.82	2.65
SIDE YARD	(FT)	5	43.7	6.02
REAR YARD	(FT)	5	(NA)	9.77
MAXIMUM LOT COVERAGE	(%)	90	96.9% (EV)	82.1%
MINIMUM GREEN SPACE	(SF)	110,007	93,133	19,874
MINIMUM GREEN SPACE	(%)	10	3.1% (EV)	17.9%
MINIMUM BUILDING HEIGHT	(FT)	24	(TBD)	> 24
MAXIMUM BUILDING HEIGHT [2]				
BUILDING A	(FT)	48	(NA)	48
BUILDING B	(FT)	72	(NA)	72 [3]
BUILDING B MECHANICAL	(FT)	+ 12	(NA)	12
BUILDING C	(FT)	48	(NA)	36
BUILDING STEP-BACK - BUILDING B				
ADJACENT RESIDENTIAL STRUCTURES	(FT)	30	(NA)	0 (V)
STREET & RAILROAD FRONTAGE, EXCLUDING ALLEYS	(FT)	20	(NA)	0 (V)
PARKING REQUIREMENTS				
MINIMUM STALL SIZE	9 x 18	(NA)	9 x 18	
MINIMUM AISLE WIDTH	(FT)	(NS)	(NA)	25
LOADING SPACE REQUIREMENTS				
MINIMUM LOADING SPACE SIZE	10 x 25	(NA)	10 x 25	
[2] 48 FT UNLESS MIXED-USE SPECIAL EXCEPTION UNDER 27-1524 W THEN UP TO 72 FT PLUS 12 FT FOR MECHANICALS ETC.				
[3] BUILDING HEIGHT CALCULATION: BASEMENT: 500.00 FIRST FLOOR: 521.00 SECOND FLOOR: 533.00 ROOF: 586.00 AVERAGE GRADE ALONG STRICKHOUSER ALLEY: 514.00 BUILDING HEIGHT: = 72 FT (586-514)				
SUBJECT TO PART 19 - STREETSCAPE OVERLAY DISTRICT MIXED USE STANDARDS 27-1524 (W)				
(a) AT LEAST 25% OF PARKING IS INTERNAL (COMPLIES)				
(b) TRANSIT CENTER RELOCATION (COMPLIES)				

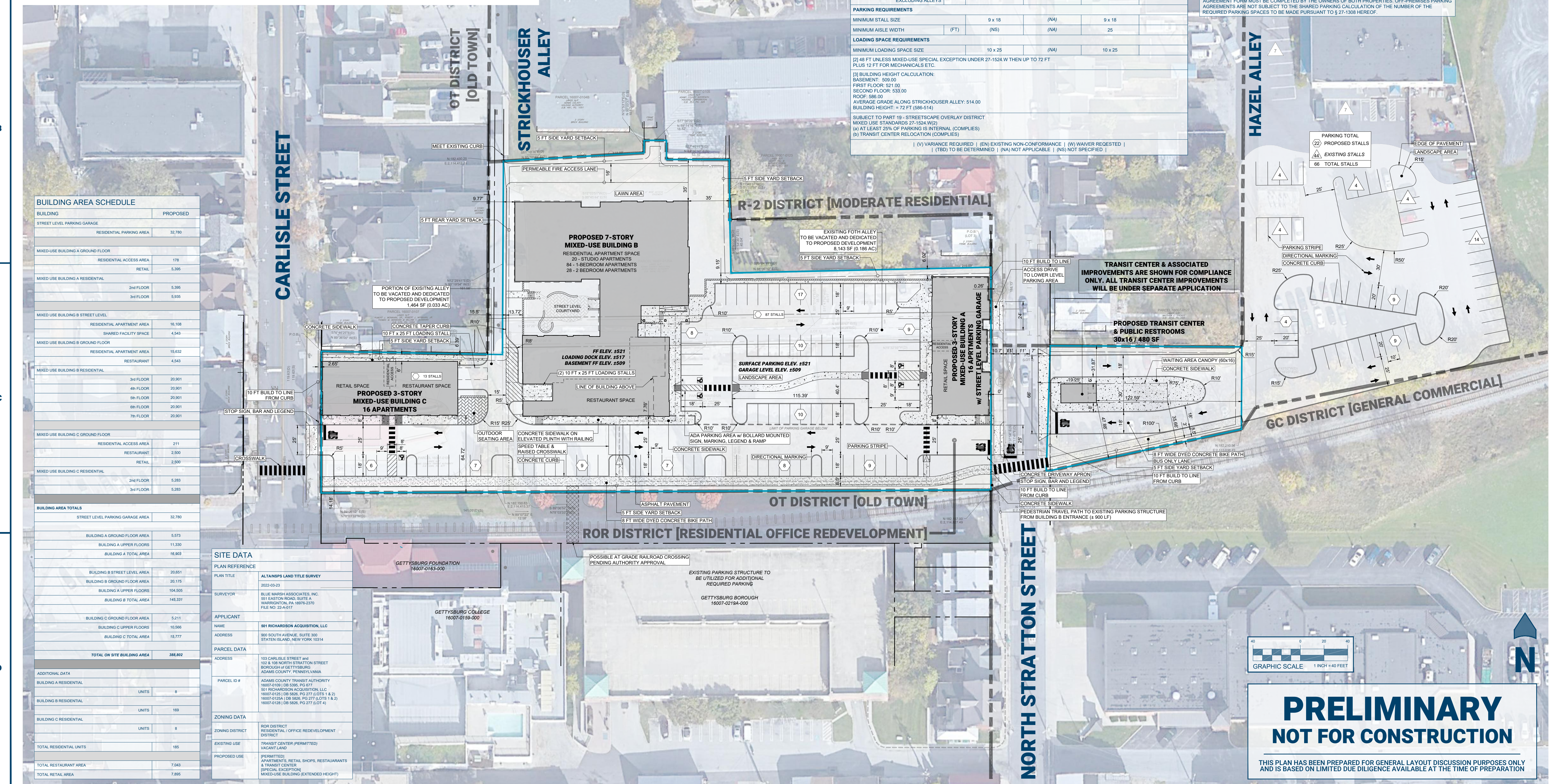
(V) VARIANCE REQUIRED | (EX) EXISTING NON-COMFORMANCE | (W) WAIVER REQUESTED | (TBD) TO BE DETERMINED | (NA) NOT APPLICABLE | (NS) NOT SPECIFIED

BULK REQUIREMENTS (TRANSIT CENTER)				
REQUIREMENT	REQUIRED	EXISTING	PROPOSED	SECTION
BUILDING REQUIREMENTS				
MINIMUM LOT AREA	(SF)	(NS)	14,330	14,330
MINIMUM LOT WIDTH	(AC)	-	0.329	0.329
MINIMUM LOT WIDTH	(FT)	20	70.74	70.74
MINIMUM YARD SETBACKS				
BUILD TO LINE	(FT)	10	(NA)	19.24
SIDE YARD	(FT)	5	43.7	37.87
REAR YARD	(FT)	5	(NA)	122.51
MAXIMUM LOT COVERAGE	(%)	90	75.7%	80.5%
MINIMUM GREEN SPACE	(SF)	10,852	11,535	11,535
MINIMUM GREEN SPACE	(%)	10	24.3%	19.5%
MINIMUM BUILDING HEIGHT	(FT)	24	(NA)	< 24 (V)
MAXIMUM BUILDING HEIGHT [1]	(FT)	48	(NA)	< 24

[1] 48 FT UNLESS MIXED-USE SPECIAL EXCEPTION UNDER 27-1524 W THEN UP TO 72 FT PLUS 12 FT FOR MECHANICALS ETC.
[2] 48 FT UNLESS MIXED-USE SPECIAL EXCEPTION UNDER 27-1524 W THEN UP TO 72 FT PLUS 12 FT FOR MECHANICALS ETC.

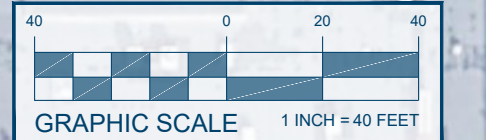
(V) VARIANCE REQUIRED | (EX) EXISTING NON-COMFORMANCE | (W) WAIVER REQUESTED | (TBD) TO BE DETERMINED | (NA) NOT APPLICABLE | (NS) NOT SPECIFIED

§ 27-1304 LOCATION OF PARKING (ORD. 1352-08, 5/6/2008; AMENDED BY ORD. NO. 1450-18, 5/14/2018)
REQUIRED OFF-STREET PARKING SPACES SHALL BE PROVIDED ON THE SAME LOT AS THE PRINCIPAL USE UNLESS THE APPLICANT DEMONSTRATES TO THE COMMISSION THAT A GUARANTEED LONG-TERM METHOD OF PROVIDING THE SPACES IS AVAILABLE USING AN ADJACENT OR NEARBY LOT LOCATED WITHIN 1,000 FEET OF THE ENTRANCE OF THE PRINCIPAL USE BEING SERVED. IF SAID OFF-PREMISES LOT DOES NOT SHARE THE SAME OWNER AS THE PRINCIPAL USE, A BOROUGH OFF-PREMISES PARKING AGREEMENT FORM MUST BE COMPLETED BY THE OWNERS OF BOTH PROPERTIES. OFF-PREMISES PARKING AGREEMENTS ARE NOT SUBJECT TO THE SHARED PARKING CALCULATION OF THE NUMBER OF THE REQUIRED PARKING SPACES TO BE MADE PURSUANT TO § 27-1308 HEREOF.



BUILDING AREA SCHEDULE	
BUILDING	PROPOSED
STREET LEVEL PARKING GARAGE	
RESIDENTIAL PARKING AREA	32,780
MIXED-USE BUILDING A GROUND FLOOR	
RESIDENTIAL ACCESS AREA	178
RETAIL	5,395
MIXED USE BUILDING A RESIDENTIAL	
2nd FLOOR	5,395
3rd FLOOR	5,935
MIXED USE BUILDING B STREET LEVEL	
RESIDENTIAL APARTMENT AREA	16,108
SHARED FACILITY SPACE	4,543
MIXED USE BUILDING B GROUND FLOOR	
RESIDENTIAL APARTMENT AREA	15,632
RESTAURANT	4,543
MIXED USE BUILDING B RESIDENTIAL	
3rd FLOOR	20,901
4th FLOOR	20,901
5th FLOOR	20,901
6th FLOOR	20,901
7th FLOOR	20,901
MIXED USE BUILDING C GROUND FLOOR	
RESIDENTIAL ACCESS AREA	211
RESTAURANT	2,500
RETAIL	2,500
MIXED USE BUILDING C RESIDENTIAL	
2nd FLOOR	5,283
3rd FLOOR	5,283
BUILDING AREA TOTALS	
STREET LEVEL PARKING GARAGE AREA	32,780
BUILDING A GROUND FLOOR AREA	5,573
BUILDING A UPPER FLOORS	11,330
BUILDING A TOTAL AREA	16,903
BUILDING B STREET LEVEL AREA	20,651
BUILDING B GROUND FLOOR AREA	20,175
BUILDING B UPPER FLOORS	104,555
BUILDING B TOTAL AREA	144,731
BUILDING C GROUND FLOOR AREA	5,211
BUILDING C UPPER FLOORS	10,566
BUILDING C TOTAL AREA	15,777
TOTAL ON SITE BUILDING AREA	388,802

SITE DATA	
PLAN REFERENCE	ALTANSIPS LAND TITLE SURVEY
PLAN TITLE	2022-01-23
SURVEYOR	BLUE MARSH ASSOCIATES, INC. 551 EASTON ROAD, SUITE A WARRINGTON, PA 18979-2370 FILE NO. 22-0417
APPLICANT	901 RICHARDSON ACQUISITION, LLC
NAME	901 RICHARDSON ACQUISITION, LLC
ADDRESS	900 SOUTH AVENUE, SUITE 300 STATEN ISLAND, NEW YORK 10314
PARCEL DATA	
ADDRESS	103 CARLISLE STREET AND 102 & 108 NORTH STRATTON STREET BOROUGH OF GETTYSBURG ADAMS COUNTY, PENNSYLVANIA
PARCEL ID #	ADAMS COUNTY TRANSIT AUTHORITY 16007-0100 DB 5395, PG 877 901 RICHARDSON ACQUISITION, LLC 16007-0125 DB 5626, PG 277 (LOTS 1 & 2) 16007-0126 DB 5626, PG 277 (LOTS 1 & 2) 16007-0128 DB 5626, PG 277 (LOT 4)
ZONING DATA	
ZONING DISTRICT	ROR DISTRICT [RESIDENTIAL OFFICE REDEVELOPMENT DISTRICT]
EXISTING USE	TRANSIT CENTER (PERMITTED) VACANT LAND
PROPOSED USE	(PERMITTED) APARTMENTS, RETAIL SHOPS, RESTAURANTS & TRANSIT CENTER SPECIAL EXCEPTION MIXED-USE BUILDING (EXTENDED HEIGHT)
TOTAL RESIDENTIAL UNITS	185
TOTAL RESTAURANT AREA	7,043
TOTAL RETAIL AREA	7,895



**PRELIMINARY
NOT FOR CONSTRUCTION**

THIS PLAN HAS BEEN PREPARED FOR GENERAL LAYOUT DISCUSSION PURPOSES ONLY AND IS BASED ON LIMITED DUE DILIGENCE AVAILABLE AT THE TIME OF PREPARATION

LANDCORE
PHILADELPHIA, PENNSYLVANIA 19101-0635
PHONE 215-836-2510
LANDCORECONSULTING.COM

NOT FOR CONSTRUCTION

D. ALEXANDER TWEEDIE
PROFESSIONAL ENGINEER
PENNSYLVANIA LICENSE No. 071873

REV.	DATE	BY
1	2023-01-23	B. NAGENGAST
2	2023-05-31	D. A. TWEEDIE

PROJECT No. 220000
FILE CD2
DRAWN BY B. NAGENGAST
CHECKED BY D. A. TWEEDIE

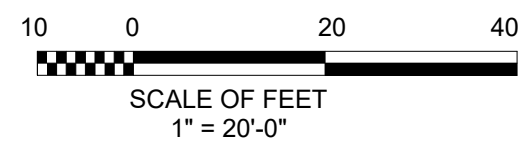
PROPOSED MIXED USE REDEVELOPMENT
NORTH STRATTON STREET and FOTH ALLEY
GETTYSBURG BOROUGH
ADAMS COUNTY, PENNSYLVANIA
APPLICANT 901 RICHARDSON ACQUISITION, LLC

CONCEPT PLAN D
TITLE

DATE 2023-05-31
SHEET CPT 2
REV. No.



Notes



Client

Revisions
No. Description Date

Client

TCH DEVELOPMENT

Project

GETTYSBURG STATION

Job Number 1906

CONCEPT PLAN
8.20.21

Sheet

FLOOR PLANS

STREET LEVEL

1" = 20'-0"

1



Gettysburg

HISTORIC CROSSROADS

To: Gettysburg Borough Zoning Hearing Board

From: Carly Marshall, Borough Planning Director
Zoning Officer

CC: Matt Teeter, Zoning Hearing Board Solicitor

Date: June 21, 2023

RE: ZHB-23-002 Gettysburg Station
103 Carlisle Street
102 & 108 N. Stratton Street
Special Exception and Variance Application
Height and Dimensional Standards

The following memorandum provides background information regarding a request for a variance from the owner of the above-referenced property.

A. **PROJECT INFORMATION**

1. **Name of Project:** Gettysburg Station
2. **Type of Project:** Special Exception and Variance
3. **Project Address:** 103 Carlisle St. and 102 & 108 N. Stratton St.
4. **Case Number:** ZHB-230002
5. **Zoning:** (ROR) Residential Office Redevelopment District
(H) Historic District
(SEO) Streetscape Enhancement Overlay
6. **Property Owner(s):** Adams County Transit Authority
103 Carlisle St.
Gettysburg, PA 17325

501 Richardson Acquisition, LLC
900 S. Ave., Suite 300
Staten Island, NY 10314
7. **Applicant:** 501 Richardson Acquisition, LLC
900 S. Ave., Suite 300
Staten Island, NY 10314
8. **Submission Date:** A complete application was submitted to the Zoning Officer on June 1, 2023.
9. **MPC Timeline:**
 - The applicant was notified of the June 28 hearing date via First Class Mail on June 20, 2023.
 - The hearing was advertised in the Gettysburg Times on June 13, 2023 and June 20, 2023.

- The 17 adjacent property owners were notified of the hearing via letter mailed first class on June 22, 2023.
 - The property was clearly posted with signs on June 21, 2023.
10. **Planning Commission Review:** The Gettysburg Planning Commission reviewed the application at their meeting on June 20, 2023, and provided their recommendation to the Zoning Hearing Board in a letter dated June 22, 2023, attached.
 11. **Borough Council Review:** The Gettysburg Borough Council reviewed the application at their meeting on June 12, 2023 and provided comments included in the letter dated June 13, 2023.
 12. **HARB Review:** The Gettysburg Historical and Architectural Review Board reviewed the application at their meeting on June 21, 2023, and provided comments in the letter dated June 22, 2023.

B. BACKGROUND INFORMATION

1. Proposed Action.

27-8A03.B Uses permitted by Special Exception: Mixed-Use Building, Extended Height.

The applicant seeks a Special Exception for a Mixed-Use Building, Extended Height, pursuant to this section and the additional requirements of 27-1524.2.W.

27-1524.2.W(4)(b) An upper story step-back of 30 feet from the building façade shall be provided beginning for all building elevations over 48 feet in height.

The applicant seeks relief from the 30' step-back requirement on the rear of the center building, proposing setting the entire building back 30'.

27-8A05.1 No building shall have a building height of less than 24 feet.

The applicant seeks relief from the 24' minimum height for the new transit center.

2. Site History.

On March 25, 2009 a De minimums variance was granted by the Zoning Hearing Board to allow the transit center to be constructed at a height less than the 24 foot minimum height requirement. The decision from that hearing is attached to this document, the transcript can be made available for review upon request.

In May 2013, the site was approved for demolition by Gettysburg Borough, and several buildings were demolished that year.

3. Relevant Zoning Sections.

a) DEFINITIONS

BUILDING: Any enclosed structure having a roof and walls which has been designed and built for the shelter, housing enclosure or protection of individuals, animals, equipment or property of any kind.

BUILDING FAÇADE: An exterior side of a building.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the ground level at the two front corners of the building to the highest point of the roof, excluding chimneys, spires, and other similar projections.

BUILDING SETBACK LINE: The line within which the principal building shall be located, bounding that portion of the lot not contained within the required side and rear yards, and not contained within the space between the property line and the build-to line.

YARD, SIDE: A yard extending the full depth of the lot along the side lot line and extending in width from such lot line to the building setback line.

MIXED-USE BUILDING: A building that includes, or is proposed to include, two or more different permitted uses which are allowed by right in the zoning district in which the building is located.

MIXED-USE BUILDING, EXTENDED HEIGHT: A building that includes, or is proposed to include, two or more different permitted uses with a height permitted above that which is allowed by right in the zoning district in which the building is located by meeting certain incentive-based criteria as set forth in the regulations contained in Part 15 of this chapter.

b) PART 8A RESIDENTIAL OFFICE REDEVELOPMENT DISTRICT (ROR)

§ 27-8A01 Purpose.

The purpose of this Part is to provide for greater density in a traditionally underdeveloped section of the Borough core by providing for new mixed-use construction, development and use which emphasizes pedestrian-oriented businesses at the ground level of a building or buildings with offices, residences, and other compatible uses in the building or buildings above ground level to be constructed, developed and used in a manner that respects and preserves the character of the surrounding area. Community gathering places and multi-modal transportation infrastructure, such as, but not limited to, pedestrian/bike paths, public transit stops, and electric car charging stations are encouraged within this district in order to promote year-round activity and contribute to the vitality of the Borough's downtown area.

27-8A03 Uses Permitted by Special Exception.

Mixed-use building, extended height is a use permitted by Special Exception in the Residential Office Redevelopment District.

27-8A04 Lot Requirements.

- 1. Minimum lot width: 20 feet.*
- 2. Build-to line: 10 feet.*
- 3. Side yards: five feet or equal to the side yard setback of a residential structure on an adjacent lot, whichever is greater.*
- 4. Rear yard: five feet.*
- 5. Maximum lot coverage: 90%*
- 6. Minimum green area: 10%*

27-8A05 Building Height.

- 1. Minimum Building Height: 24'*
- 2. Minimum Ground Floor Height: 12' to facilitate pedestrian-oriented businesses and commercial uses at grade.*

3. *Maximum Building Height: 48', except where additional building height is authorized for a mixed-use building, extended height, by special exception pursuant to the standards and criteria set forth in 27-1524.*

c) PART 19 STREETScape ENHANCEMENT OVERLAY DISTRICT

§27-1901 Purpose.

The purpose of this Part is to maintain and improve the streetscape within the Old Town District and the neighborhoods throughout the Borough, which have a traditional block pattern and street and alley network.

§27-1903 Minimum Requirements.

1. Building Location

Legislative Intent:

- A. *Buildings are intended to be located in close proximity to sidewalks, with parking located in the rear.*
- B. *Traditional development in downtown Gettysburg is intended to form a continuous street wall along all corridors.*
- C. *Buildings are intended to be located across from one another, so that the "outdoor room" character of the streetscape is maintained.*

Design Standards:

...

- E. *New buildings in all other districts shall be located at the build-to line or in alignment with existing buildings on the block.*
- F. *Buildings shall be located to anchor street corners.*
- G. *Unenclosed porches, stoops, and the like shall be built and maintained as transitional elements from the principal building to the streetscape.*

...

4. Building Types.

Legislative Intent:

- A. *Traditional development in downtown Gettysburg is intended to consist of diverse building types with smaller building footprints and a mix of uses.*

Design Standards:

...

- C. *New buildings shall be designed to be generally consistent with the height and scale of existing commercial, residential, and mixed-use building types.*
- D. *Diversified residential uses should be provided to promote housing affordability.*
- E. *Individual footprint buildings of 50,000 square feet or greater shall not be built in the overlay district, unless liner shops are built and maintained as shown below.*

5. Building Heights.

Legislative Intent:

- A. *All new buildings are intended to be at least two stories in height.*
- B. *Smaller-footprint, two-story to four-story buildings are intended to continue along the major street corridors and in the Old Town District.*

Design Standards:

- C. *The minimum height of any new building shall be 24 feet.*
- D. *The maximum height of buildings in the Old Town District shall be 50 feet, and they comply with the Historic District Guidelines.*
- E. *The maximum building height for buildings outside of the Old Town District shall be 48 feet in height, unless otherwise specified. Where there is a conflict between this standard and the standards for a specific permitted use, the standards for the specific permitted use shall control.*
- F. *No building shall be constructed to be more than two stories taller in building height than the height of any nearby buildings located on adjacent lots, except where additional building height is authorized for a mixed-use building, extended height, by special exception pursuant to the standards and criteria set forth in § 27-1524 of this chapter.*

d) PART 15 GENERAL AND SUPPLEMENTAL REGULATIONS

§ 27-1524.2 Additional Requirements for Certain Specific Principal Uses.

W. Mixed-Use Building, Extended Height.

[Added by Ord. No. 1454-18, 12/10/2018]

- (1) An application for a special exception for a mixed-use building, extended height use shall be made to the Zoning Hearing Board by submission to the Zoning Officer. After setting a date for the zoning hearing, the Zoning Officer shall concurrently refer the application for review to the Gettysburg Borough Council, the Gettysburg Borough Planning Commission and the Gettysburg Historic Architectural Review Board for the issuance of a written report with recommendations from each body, if applicable.***
- (2) Increased Height Incentive. The maximum building height, as set forth in § 27-8A05, Subsection 3, of this chapter, may be increased or extended for all mixed-use buildings on a site for any of the following site improvements that are implemented. In order to qualify for the increased or extended building height, the site improvements shall meet the standards and criteria set forth in § 27-1524, Subsection 2, W(2)(a) through (d). Regardless of the number of incentives provided, the maximum building height that may be authorized by the Zoning Hearing Board shall not exceed 72 feet. An additional 12 feet of building height may be allocated and authorized for a mixed-used building, if required for the installation, maintenance and use of mechanical equipment to service the proposed building.***
 - (a) Internal Parking. In order to qualify for the increased or extended building height incentive for this site improvement, an applicant shall provide 25% of the required***

parking area, pursuant to §§ 27-1302, 27-1308 and 27-1309 of this chapter, within a building housing one or more permitted uses.

- (b) If the existing transit center services operation and use is to be relocated, in order to qualify for the increased or extended building height incentive for this site improvement, an applicant must provide documentation and evidence at the zoning hearing from the owner of the transit center services lot confirming that an acceptable alternative site for the use has been ascertained and secured within the Borough on North Stratton Street south of Water Street or between Carlisle Street and North Stratton Street for the relocation of transit center services operations and public restrooms.*
- (c) Public Green Space. In order to qualify for the increased or extended building height incentive for this site improvement, an applicant shall provide a minimum of 25% green area on the subject lot for a publicly accessible use, such as a market, outdoor restaurant seating, public square, or other similar uses excluding parking. This minimum 25% of green area may consist of the following:*
 - 1) Landscaping;*
 - 2) Lawns;*
 - 3) Gardens;*
 - 4) Vegetated surfaces, including vegetated stormwater management facilities;*
 - 5) Green roofs; and*
 - 6) Pervious surfacing or pavers.*
- (d) Gettysburg Inner Loop. In order to qualify for the increased or extended building height incentive for this site improvement, an applicant shall construct any segment(s) of the Gettysburg Inner Loop Trail Network that is located on the parent tract or lot of a proposed building site within the ROR Residential Office Redevelopment District. Once constructed, the segment(s) of the Inner Loop Trail Network shall be dedicated to the Borough for public use.*

<i>Site Improvements</i>	<i>Increase in Building Height (feet)</i>
<i>Internal parking</i>	<i>24</i>
<i>Relocation of transit services and public restrooms</i>	<i>12</i>
<i>Public green space</i>	<i>24</i>
<i>Gettysburg Inner Loop</i>	<i>12</i>

- (3) All mixed-use buildings, extended height will be massed to fit harmoniously into its surroundings and will respect and improve local character. It will minimize the impact on nearby buildings and open space by:*
 - (a) Massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportions;*
 - (b) Creating a transition in scale to nearby buildings;*

- (c) *Providing adequate privacy, sunlight, and sky view ensuring adequate separation between building walls; and*
- (d) *Minimizing shadows and uncomfortable wind conditions on adjacent or nearby lots and open spaces.*
- (4) ***Building Step-Back Requirements. In zoning districts other than INS-1 Institutional-1 or HC Health Care Districts, where building height is permitted to exceed 48 feet, an upper story step-back shall be provided along the building facades. Where a building would be required to provide multiple step-backs on a particular facade, only the larger step-back dimension will be required (i.e., step-backs do not compound on one another).***
 - (a) *Street and Railroad Frontage, Excluding Alleys. An upper story step-back of 20 feet from the building facade shall be provided beginning for all building elevations over 48 feet in height.*
 - (b) *Adjacent Residential Structures. An upper story step-back of 30 feet from the building facade shall be provided beginning for all building elevations over 48 feet in height when the building, located on an adjacent lot, is residential in use.*
- (5) ***In zoning districts other than INS-1 Institutional-1 or HC Health Care Districts, where building height is permitted to exceed 48 feet, a forty-five-degree angular plane shall be established from the highest point of the building facade, which shall not be obstructed by the building envelope. Where this standard conflicts with other building height standards within this chapter, the greater, more restrictive standard shall be applied.***

e) PART 17 ZONING HEARING BOARD

§ 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 and 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 particular property and that the unnecessary hardship is due to such conditions and 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 and 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 and will represent the least modification possible of the regulation in issue.*
- (6) *In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and 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.*

GETTYSBURG BOROUGH ZONING HEARING BOARD

IN RE: APPLICATION OF ADAMS COUNTY TRANSIT AUTHORITY
Property at 103 Carlisle Street, Gettysburg, Pennsylvania

DECISION

The Gettysburg Borough Zoning Hearing Board (“Board”) convened a hearing to consider the application of Adams County Transit Authority (“Applicant”), to obtain variances under the Borough of Gettysburg (“Borough”) Zoning Ordinance (“Ordinance”) Chapter 27, Part 8A, Section 804A.7/8, Maximum Lot Coverage/Minimum Green Area; Part 8A, Section 805A.1, Minimum Building Height; and Part 13, Section 1301.8, Sufficient Number of Parking Spaces for property at 103 Carlisle Street, Borough of Gettysburg, Adams County, Pennsylvania (“Property”). The Property is wholly located in a Residential Office Redevelopment District of the Borough.

The application was heard on Wednesday, March 25, 2009, at 7:00 p.m. prevailing time in the Borough Council Chambers at the Gettysburg Municipal Building, 59 East High Street, Gettysburg, Pennsylvania. Written notice of the hearing was given in accordance with law and procedures of the Board by publication in the Gettysburg Times; posting on the Property; and U.S. First-Class Mail to all interested parties as indicated to the Borough.

Present for the hearing were Bob Kornack, Board Vice Chair; Graham Weaver, Board Member; and Walton V. Davis, Board Member; constituting a quorum. Carol Miller, Alternate Board Member, was present. Also present were Merry V. Bush, Borough Zoning Officer; John S. Phillips, Board Solicitor; and John D. Butterfield, Borough Council Liaison. Rhonda Hull Kershner, RPR, was the Stenographer. Bernard A. Yannetti, Jr., Esquire, appeared for Applicant. Mr. Richard Farr, Executive Director of the Adams County Transit Authority; Mr. Geoffrey Spangler, Adams County Transit Authority; Mr. Andrew Stern, Johnson, Mirmiran & Thompson; and Mr. Michael Miller, PE, Johnson, Mirmiran & Thompson testified for Applicant. Mr. Thomas Jolin, Secretary of Healthy Adams Bicycle Pedestrian, Incorporated, testified in favor of the bike path incorporated into the Applicant’s proposal. No testimony was received in opposition to the application.

FINDINGS OF FACT

1. The Property is an approximately 15,598 square foot tract, approximately rectangular and relatively flat, wholly located in a Residential Office Redevelopment (“ROR”) District.
2. The Property is owned by the Gettysburg Economic Development Corporation. Applicant has an equitable interest in the Property, and therefore standing to make the application.
3. Applicant intends to construct a transit facility on the Property, a use permitted by right in an ROR District.
4. The deed for the Property, recorded in the Office of the Recorder of Deeds of Adams County in Book 4991 at Page 294 indicates that “Hudson Alley” bisects the Property in a east-west direction, connecting Carlisle Street and Strickhauser Alley.
5. Applicant’s proposed building will encroach on Hudson Alley. Applicant has not formally requested that Hudson Alley be vacated by the Borough.
6. Applicant’s plan as presented includes an east-west thoroughfare along the northern boundary, connecting Carlisle Street and Strickhauser Alley. This connector was included as a result of informal discussions with the Borough regarding vacating Hudson Alley.
7. The proposed building is 25 feet, 6 inches high to the top of the cupola, which itself is 3 feet 6 inches tall. The cupola will serve both architectural and mechanical air handling purposes.
8. The Borough of Gettysburg Historic Architecture Review Board endorsed the conceptional design for the building design on February 18, 2009, documented by its letter of February 20, 2009.
9. The Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation, reviewed the project and determined that it conforms to applicable standards and guidelines and will have no adverse effect upon the Gettysburg Battlefield Historic District, as documented by its letter of March 2, 2009.
10. Applicant’s “Proposed Condition” for green area is 0%. Applicant’s conceptual plan provides for approximately 5% green area, and Applicant estimates that 3% - 6% green area may be achieved in its final plan.
11. Applicant’s plan as presented includes an approximately ten (10) feet wide bike and pedestrian path along the southern boundary of the Property, which is intended to form part of a bike path through the Borough currently under discussion but not yet constructed.

12. Applicant did not explore purchase of additional land to the east of the Property, also owned by the Gettysburg Economic Development Corporation, to enable it to achieve the 10% green area required.
13. Applicant did not explore with the Borough vacating that portion of Strickhauser Alley between its intersection with the proposed new east-west thoroughfare and its end at the railroad tracks to enable it to achieve the 10% green area required.
14. Applicant's plan intentionally includes no parking other than that for loading/unloading transit buses, so as to eliminate potential congestion and safety issues caused by public parking that might interfere with the transit facility operation.
15. The transit facility will be staffed by no more than two employees at any given time.
16. Applicant intends that its employees will park at other Adams County Transit Authority properties and ride its busses to the transit facility, eliminating the need for employee parking at the transit facility itself.
17. The proposed use is consistent with the surrounding neighborhood, will enhance the development of adjacent property and public welfare, and is not contrary to the public interest.
18. The Borough of Gettysburg Planning Commission, at its March 16, 2009, meeting recommended, by a vote of 3-2, granting the requested variances.

CONCLUSIONS OF LAW

1. The Ordinance provides that Maximum Lot Coverage shall be 90%; Minimum Green Area 10% in an ROR District. Part 8A, Section 804A.7, 804A.8.
2. The Ordinance provides that no building shall be less than "twenty-four (24) feet two (2) stories in height" (sic). Part 8A, Section 805A.1. Building height excludes chimneys, spires, and other similar projections. Part 2, Section 201. See also Part 15 Section 1511, stating height limitations "do not apply to", *inter alia*, cupolas or other appurtenances usually located above the roof.
3. The Ordinance provides that an activity or use involving employees, a sufficient number of parking spaces shall be provided for all employees or for all employees on duty at any one time. Part 13, Section 1301.8.
4. The Ordinance provides that the minimum lot size for a non-residential use in an ROR district is 4,000 square feet. Part 8A, Section 804A.2.

- 5. For a variance, the Board must find that:
 - A. 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 particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
 - B. 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 the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 - C. That such unnecessary hardship has not been created by the Applicant;
 - D. That the variance, if authorized, will not alter the essential character of the neighborhood or the 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; and
 - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. 53 P.S. § 10910.2(a); Ordinance Part 17, Section 1704(A)

- 6. *A de minimus* variance may be granted when the applicant has provided the board with evidence that allows the members to conclude that:
 - A. Rigid compliance with the ordinance is not necessary to protect the public policy concerns in the ordinance and/or
 - B. The proposed deviation from the ordinance is minor.

Township of Middletown v. Zoning Hearing Board of Middletown Township, 682 A.2d 900 (Pa.Cmwlth. 1996)

ANALYSIS

To grant a variance, the Board must find a hardship related to the Property itself. Applicant stated in its testimony that the hardship in the instant case is the small size and shape of the lot. The evidence,

however, indicates that the lot is 15,598 square feet, almost four times that of the minimum lot size contemplated by the Ordinance. Further, the lot is relatively flat and approximately rectangular in shape. The Board finds that the Applicant did not provide evidence of hardship. While the lot size may provide challenges for the specific use contemplated by the Applicant, it does not prevent the Property from being developed in strict conformity with the provisions of the Ordinance, nor is a variance necessary to allow reasonable use of the Property.

As to sufficient green area, Applicant further testified that no effort was made to secure additional land to provide for more green area. The difference between the 10% required by Ordinance and the 0% requested by application, or even the current 5%, is significant, and, without hardship, granting of a variance is improper.

As to the building height, where the Applicant seeks a minor variance from a dimensional requirement, the Board is permitted to examine the impact of the variance on the neighborhood and consider the harm to the Applicant, notwithstanding the fact that the Applicant has failed to demonstrate hardship or that it can otherwise make reasonable use of the land. This *de minimus* variance is a very narrow exception, wholly within the discretion of the Board so long as the variance is a relatively minor one and where rigid compliance is not necessary to protect public policy concerns. Given that the proposed cupola will be part of the functional mechanical operation, rather than a decorative appurtenance, and that the difference in height is of little moment, a *de minimus* variance is appropriate.

As to parking, the Board finds that the unique character of the Applicant and its proposed use allows Applicant to provide both alternate parking and transportation to and from the site to that alternate parking, and in doing so will enhance the safety and public welfare of the operations on the Property, and that a variance, under those conditions, is not contrary to the public welfare.

CONCLUSION

During deliberations in public, Mr. Weaver moved that the Board grant the requested variance of Chapter 27, Part 8A, Section 804A.7, 8, Maximum Coverage, Minimum Green Area. Mr. Kornack seconded the motion. By roll call vote the motion failed.

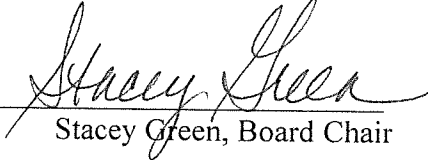
During deliberations in public, Mr. Weaver moved that the Board grant the requested variance of Chapter 27, Part 8A, Section 805A.1, Minimum Building Height. Mr. Davis seconded the motion. By roll call vote the motion passed unanimously.

During deliberations in public, Mr. Weaver moved that the Board grant the requested variance of Chapter 27, Part 13, Section 1301.8, Sufficient Number of Parking Spaces, conditioned upon Applicant providing employee parking at the Gettysburg Parking Garage or on other ACTA property with transportation to and from the transit station provided by ACTA. Mr. Kornack seconded the motion. By roll call vote the motion passed unanimously.

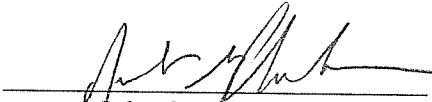
The application is therefore denied in part and granted in part.

**GETTYSBURG BOROUGH ZONING
HEARING BOARD**

Dated: May 4, 2009


Stacey Green, Board Chair

Dated: May 4, 2009


John S. Phillips, Solicitor
101 West Middle Street
Gettysburg, PA 17325
I.D. # 74461
Tel: (717) 337-3353
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GETTYSBURG BOROUGH ZONING HEARING BOARD

IN RE: APPLICATION OF ADAMS COUNTY TRANSIT AUTHORITY
Property at 103 Carlisle Street, Gettysburg, Pennsylvania

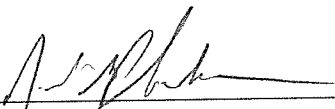
Certificate of Delivery

I certify a true and correct copy of the Decision of the Gettysburg Borough Zoning Hearing Board in the above referenced matter was delivered to Applicant and others by U.S. First Class Mail, postage prepaid, on May 4, 2009, addressed as follows:

Bernard A. Yannetti, Jr., Esquire
Hartman and Yannetti
126 Baltimore Street
Gettysburg, Pennsylvania 17325

Mr. Geoff Spangler
Adams County Transit Authority
257 North Fourth Street, Rear
Gettysburg, Pennsylvania 17325

Mr. Andrew Stern
Johnson, Mirmiran & Thompson
220 St. Charles Way, Suite 200
York, Pennsylvania 17402



John S. Phillips