

## MINUTES

### **HARRISBURG ARCHITECTURAL REVIEW BOARD REGULAR MEETING**

**June 5, 2023**

**THE MARTIN LUTHER KING, JR. CITY GOVERNMENT CENTER  
CITY COUNCIL CHAMBERS**

**MEMBERS PRESENT:** Trina Gribble, Chair  
Bruce Henry, Deputy Codes Administrator  
April Rucker  
Camille Bennett  
Kent Hurst

**MEMBERS ABSENT:** Kali Tennis, Vice Chair

**STAFF PRESENT:** Geoffrey Knight, Planning Director  
Emily Farren, Assistant City Solicitor

**OTHERS PRESENT:** See Sign-In Sheet

**CALL TO ORDER: 6:02 PM**

#### **APPROVAL OF MINUTES:**

Mr. Hurst noted that he had identified some omissions from the minutes and slight changes that needed to be made to the May 1<sup>st</sup> minutes; he noted that he had provided the written comments to Mr. Knight. Mr. Hurst moved, and Ms. Bennett seconded the motion, to Approve the minutes from the April 3, 2023 meeting without corrections, and to Approve the minutes from the May 1, 2023 with the revisions provided to the Planning Bureau staff. The motion was adopted by unanimous vote (5-0).

**OLD BUSINESS: N/A**

#### **NEW BUSINESS:**

- 1. 1837 & 1839 North 2<sup>nd</sup> Street, filed by David Butcher with WCI Partners, LP, to install six-foot-high, dog-eared fences enclosing the rear yards of each property.**

The case was represented by Lori Fortini with WCI Partners, LP (the property owner), 1900 North 2<sup>nd</sup> Street, Harrisburg, PA 17102 (aka “the Applicant”).

Mr. Knight gave a synopsis of the case report recommending the request be Approved with the following conditions:

1. The fence will be painted or stained upon installation.
2. The Applicant must submit a Floodplain Development Permit application for the fences and receive approval from the Floodplain Administrator.

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Mrs. Gribble asked the Applicant whether they wanted to provide additional information regarding the proposal. The Applicant that they did not.

Mr. Henry asked Planning Bureau staff whether they were required to file a Floodplain Development Permit application if the property was only in the 500-Year Floodplain. Mr. Knight confirmed that the property was in the 100-Year Floodplain and thus required to file the noted documentation.

Mrs. Gribble asked whether the proposed fences were in conformance with the applicable zoning regulations; Mr. Knight confirmed that they were.

Mrs. Gribble asked whether there were any questions or comments from the other Board members; there were none.

Mr. Henry moved, and Ms. Rucker seconded the motion, to Approve with Staff Conditions. The motion was adopted by a unanimous vote (5-0).

**2. 213 Harris Street, filed by Jeffrey Hamley and Warren Braxton, to replace 28 existing windows on-site with vinyl windows. This is an after-the-fact installation.**

The case was represented by Melanie Hamley (the property owner), 2904 North 2<sup>nd</sup> Street, Harrisburg, PA 17110 (aka “the Applicant”).

Mr. Knight gave a synopsis of the case report recommending the request be Denied.

Mrs. Gribble asked the Applicant whether they wanted to provide additional information regarding the proposal. The Applicant noted that she had brought a sample product of the installed windows to present and displayed it in front of the Board. Mrs. Gribble noted that it was only a single sash; the Applicant noted that it was a replacement sash for one of the ones on the front elevation that had gotten a crack in it after installation.

Mrs. Gribble asked whether there were any questions or comments from the other Board members.

Ms. Bennett asked whether the Applicant was the owner and, if not, whether the owner was aware that the property was in an historic district and subject to additional regulations for exterior work. The Applicant stated that the property was owned by a company managed by her husband and his business partner, and noted that they had contracted with Lowe’s to purchase and install the windows and that Lowe’s used a third-party contractor to install the windows. She noted that they realized they did not secure permits when they receive a violation notice from the Codes Bureau and that they were also made aware of the inappropriateness of the replacement windows at that time. The Applicant stated that they were working with Lowe’s to address the issue.

Mr. Henry asked whether the Applicant was aware that the property was in an historic district; the Applicant reiterated that their contractor with Lowe’s specified that they were responsible for the permitting and any additional reviews, and that if additional resources were required to meet any

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requirements, they were supposed to coordinate with the property owners; she reiterated that this coordination had not occurred, and thus they assumed that the project had been approved.

Mrs. Gribble noted that the Board had recently reviewed a similar project in which a third-party contractor had been involved and had not notified the property owner of the required standards and reviews. Mr. Knight confirmed that that project had utilized a permitting contractor whereas the current project involved a third-party installer hired by Lowe's. Mr. Henry noted that these companies often hired third-party contractors, many of whom did not provide good information to the property owner, leading to unpermitted work.

Ms. Rucker asked the Applicant whether she had received a letter when the building was purchased informing them of the historic district designation. Mr. Knight noted that the Applicant's husband had owned the property since 2015. Ms. Rucker noted that the owners should have received a letter confirming that the property was in an historic district and that any exterior changes needed to be brought before the Board. Mr. Knight confirmed that was part of the Buyer's Notification process. The Applicant reiterated that their contract with Lowe's required the manufacturer and installer to be responsible for submitting documentation and attending the Board meeting.

Mr. Hurst noted that the issue of contractors not submitting permits or being aware of historic district requirements appeared to be a growing issue. He noted that the Applicant needed to address the issue with Lowe's.

Mrs. Gribble noted that there were two individuals from the public who had attended the meeting to learn about the project, and asked whether they had any questions regarding the installed windows. The individuals (who did not identify themselves or their residence) asked the Applicant whether the property was a single unit and would be converting to multiple units as part of the project. The Applicant confirmed that the property was a single unit and was not being converted to multiple units; she noted that the same tenants had lived on-site for approximately eight years and that they had just left, and that they were replacing the windows before new tenants moved in.

Mrs. Gribble asked whether there were any questions or comments from the other Board members; there were none.

Ms. Bennett moved, and Mr. Henry seconded the motion, to Deny the application. The motion was adopted by a unanimous vote (5-0).

Mrs. Gribble stated that she hoped the Applicant was successful in taking action against Lowe's and the contractor. The Applicant asked what the next steps would be and whether they could rent the property until they were able to install approvable replacement windows. Mr. Henry confirmed that the unit could still be rented, but noted that the Applicant would need to notify tenants at least 24 hours in advance of any replacement work.

The Applicant asked if they needed to come back before the Board if they used wood windows; Mrs. Gribble confirmed that wood and wood composite materials could be administratively approved by the Planning Bureau. The Applicant asked whether only the windows sashes needed to be replaced; Mr. Knight confirmed that both the sashes and the capping needed to be removed.

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He stated that he would follow up shortly with the Applicant to transmit the resolution and provide her with options for replacement of the windows.

**OTHER BUSINESS: N/A**

**ADJOURNMENT: 6:22 PM**

Mrs. Gribble moved, and Ms. Rucker seconded the motion, to adjourn. The motion was adopted by a unanimous vote (5-0).