

## **MINUTES**

### **HARRISBURG PLANNING COMMISSION REGULAR MEETING**

**July 5, 2023**

**THE MARTIN LUTHER KING, JR. CITY GOVERNMENT CENTER  
BASEMENT, Suite 1**

**MEMBERS PRESENT:** Joseph Alsberry, Chair  
Vern McKissick, Vice Chair  
Shaun E. O'Toole  
Jamesetta Reed  
Anne Marek  
DeRon Jordan

**MEMBERS ABSENT:** Joe Canamucio

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

**CALL TO ORDER: 6:33 PM**

**APPROVAL OF MINUTES:** Commissioner Marek moved, and Commissioner Reed seconded the motion, to approve the minutes from the June 7, 2023 meeting without corrections. The motion was adopted by a unanimous (5-0-1; Commissioner McKissick abstained as he was not in attendance at the previous meeting) vote.

**OLD BUSINESS: N/A**

#### **NEW BUSINESS:**

- 1. Variance & Special Exception Application for 1302 State Street, zoned Residential Medium-Density (RM), filed by Monique Cvetko with TKO Rental Properties, LLC, to request relief from aspects of the Specific Criteria for "Supportive Housing – Family" and from the off-street parking requirements for such uses.**

Mr. Knight gave a synopsis of the report, recommending Approval with Conditions; the conditions were that:

1. The Applicant must provide documentation demonstrating that the rear yard cannot accommodate an ADA ramp and that the first floor cannot be designed to ADA standards; if such documentation cannot be provided, then the property must be designed to these standards.
2. The property will be limited to five individuals; this is because the Applicant is requesting an accommodation that will limit access to the property for a substantial portion of the population, and because the floor plans provided by the Applicant indicate that there are only five bedrooms. Additionally, limiting the number of residents will minimize the necessary

deviation from the off-street parking requirements, mitigating the impact on the surrounding neighborhood.

3. The Applicant shall allow the Codes Bureau to perform a comprehensive inspection and receive approval for all necessary City permits prior to receiving a Certificate of Occupancy.
4. The Applicant will coordinate with the City's Department of Public Works to ascertain whether additional refuse containers will be needed beyond those already provided for the existing residential use, and to update the billing account for the property.

The case was represented by BJ & Monique Cvetko (the property owners), 1905 Laurel Glen Drive, Harrisburg, PA 17110; and Rob Sloan with the Daystar Center (the property manager), 125 North 18<sup>th</sup> Street, Harrisburg, PA 17103 (aka "the Applicants").

Commissioner Alsberry referenced State Street's prior designation as one of the most dangerous in the country, and noted that parking along State Street was an issue which would be exacerbated by the planned reconfiguration of the street. Mr. Knight noted that the decision by the Administration in 2022 to stop work on the reconstruction of State Street meant that there would be no change to the existing parking on State Street. He also noted that there was ample on-street parking nearby along North 13<sup>th</sup> Street, which had been observed during site visits and while passing by the location at other times. Finally, Mr. Knight noted that the Applicants had stated in the application that their residents would not have vehicles; he stated that he was unsure of whether that was based on prohibitions in residents' leases, past experience operating similar uses, or some other evidence, but that it was reasonable to assume that the target populations would be less likely to own vehicles.

Commissioner Alsberry asked the Applicants to confirm that residents could not have vehicles; they confirmed that residents would not be permitted to have personal vehicles and that there were bus routes located nearby. They noted that they would be helping individuals suffering from drug and alcohol addiction who were moving to the property from a period spent in treatment facilities. The Applicants stated that residents stayed no longer than a year, and that the goal was for them to save money to lease their own apartments after that time; they noted that they owned other properties throughout the city and region, and worked with their clients to connect them with those housing options after their stay.

Commissioner Alsberry asked whether residents were permitted to have visitors. The Applicants stated that visitors to the property were limited to their sponsors or support network, but that residents received passes to visit family and friends off site. They also noted that there was a nearby vacant lot that could accommodate any necessary parking demand as well.

Commissioner Alsberry stated that he was pleased to see the Applicants had submitted a petition of support from the surrounding community, although he noted that some of the signatories were not located close to the subject property. The Applicants noted that they had also mailed out the required notification letters to all the property owners within 100 feet of the property.

Commissioner Alsberry asked whether any of the commissioners had comments, questions, or concerns about the project.

Commissioner McKissick noted that the Applicants had initially requested permission for eight residents, but that the Planning Bureau had recommended that the use be limited to five individuals. The Applicants noted that they had reviewed the property with the PA Department of Drug & Alcohol Programs (DDAP), which authorized them to have up to ten residents on-site, but that fewer residents would be more beneficial to the residents by creating a tight-knit, family atmosphere which would promote their recovery. Commissioner McKissick noted that there were five fairly-small bedrooms in the building and wanted to ensure that the proposed limit on the number of residents was acceptable to the Applicants; they reiterated that it was.

Commissioner Alsberry noted that he had forgotten to ask the Applicants whether the conditions in the case report were acceptable; they confirmed that they were.

Commissioner O'Toole inquired as to which governmental agencies the Applicants would be working with to place residents. They noted that DDAP oversaw all drug and alcohol recovery programs in the state, and that they were responsible for licensing and inspecting supportive housing facilities; they also ensured that treatment plans were in place for residents and that they were making mandated meetings. The Applicants noted that they were listed on the DDAP website and had already received calls from regional treatment centers regarding potential placement of residents. Commissioner O'Toole stated that he was in favor of the project.

Commissioner Reed stated that she had no questions.

Commissioner Marek asked whether the Applicants operated other supportive housing facilities within the city; they stated that they owned a variety of residential properties, including apartment buildings and rowhomes, and that they had worked in the past with the probation and parole agencies as well as treatment centers to provide housing for those populations. The Applicants also noted that they were connected with various service providers and were thus able to provide individuals with the resources they needed to improve their situations. They noted that this allowed them to act as referrals in the future when residents moved into housing on their own.

Commissioner Marek noted that Mr. Sloan was wearing a "Daystar" shirt and asked whether the Applicants partnered with that organization; he confirmed that the organization did refer residents to the Applicants. Commissioner Marek stated that she was familiar with "Daystar" and the work they did, and that she appreciated the Applicants were providing a service in dire need in the community. The Applicants noted that they were hoping to eventually establish additional supportive housing uses in the city.

Commissioner Jordan stated that he wanted to ensure the Applicants would be evaluating the building for ADA accessibility, and that if they were in agreement with that, he would be in support of the proposal.

Commissioner Alsberry asked whether there was anyone from the public for or against the project; there were no comments.

Commissioner O'Toole moved, and Commissioner Jordan seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (6-0).

**2. Variance Application for 208 Hummel Street, zoned Residential Medium-Density (RM), filed by Kait Gillis-Hanna with Brethren Housing Association, to establish an "Office" use on-site.**

Mr. Knight gave a synopsis of the report, recommending Approval with Conditions; the conditions were that:

1. The Applicants will install a formal curb cut and ADA-compliant driveway to access parking on-site; the Applicant may also want to consider formalizing easements with owners of the adjacent properties fronting Mulberry Street to allow vehicular access to their rear yards.
2. The Applicant must develop on-site parking in conformance with the applicable zoning regulations, including encroachment into setbacks, parking dimensions and configurations, and landscape screening.

The case was represented by Kait Gillis-Hanna, the Executive Director with the Brethren Housing Association (the property owner), 219 Hummel Street, Harrisburg, PA 17104 (aka "the Applicant").

Commissioner Alsberry asked the Applicant whether the entire building would accommodate office use exclusively; she confirmed that they would. She noted that Brethren Housing Association owned the entire block where they provided transitional housing to single mothers experiencing homelessness. The Applicant stated that the organization had been providing housing services in the area for 34 years. She noted that their inventory had been growing slowly along Hummel Street and Mulberry Street, and that they were in the process of rehabilitating two units in the adjacent property at 210 Hummel Street.

The Applicant noted that the organization had outgrown their current space in the church across the street, and that the project would allow them to provide more services to meet a growing need. She noted that it was important that their organization's offices were located on the block, so that they could most effectively manage their properties and ensure the services they provide were accessible to their residents. She noted that it was fortuitous that the property had been put up for sale by the previous owners, as they did not always maintain their property or manage their tenants well. The Applicant reiterated that the property would be used for administrative functions, case management, and a community center.

Commissioner Alsberry stated that he felt the proposal would be an improvement for the neighborhood and agreed that proximity to the organization's tenants was critical.

Commissioner Alsberry asked whether any of the commissioners had comments, questions, or concerns about the project.

Commissioner McKissick stated that the building was an attractive part of the streetscape and that it might difficult to identify alternative uses for the building given the size and layout. He asked how many staff would be on-site; the Applicant confirmed that there would be nine

employees on-site but noted they were using an open concept design and hybrid work schedule, so that they would usually have less staff on-site. She noted there would also be provide office space to provide confidentiality in their case management. Commissioner McKissick asked the Applicant whether they owned the property; she confirmed that they did and noted that it was one of fourteen lots the organization owned. He noted that proximity to the properties they managed provided support for the Applicant's request.

Commissioner McKissick asked Planning Bureau staff to confirm whether the property was in conformance with the off-street parking requirements. Mr. Knight stated that the "Office" use required four off-street parking spaces, and noted that there was a five-bay garage in the rear of the property and that there appeared to be sufficient space for four spaces in an accessory lot on-site. He also noted that the Applicant had access to spaces in the surface parking lot at the end of the block if the use created additional demand.

Commissioner O'Toole stated that he was in favor of the proposal.

Commissioner Reed stated that she had no questions.

Commissioner Marek agreed that the proposed use made sense given the proximity to the properties owned and operated by the Applicant in the neighborhood, although she noted that the Zoning Hearing Board may have different criteria in considering the Variance request.

Commissioner Jordan stated that he had no questions.

Commissioner Alsberry asked whether there was anyone from the public for or against the project; there were no comments.

Commissioner McKissick moved, and Commissioner Reed seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (6-0).

**3. Variance Application for 68 North 12<sup>th</sup> Street, zoned Residential Medium-Density (RM), filed by Larry Brown, Sr., to expand the existing single-family dwelling into the side and rear setbacks.**

Mr. Knight gave a synopsis of the report, recommending Approval with Conditions; the conditions were that:

1. Because the property is located in the Summit Terrace Architectural Conservation Overlay District (ACOD), if the requests are approved by the Zoning Hearing Board, the Applicant must submit a Certificate of Appropriateness application and receive approval from HARB.
2. The Applicant may not construct any part of the building addition onto a neighboring property, as shown in the site plans.
3. The Applicant shall allow the Codes Bureau to perform a comprehensive inspection of unpermitted work, including the garage and partially-constructed addition, and receive approval for all necessary City permits prior to receiving a Certificate of Occupancy.

The case was represented by Jonathan Thomas with Smarter Design Group, LLC (the project architect), 2630 Locust Lane, Harrisburg, PA 17109 (aka “the Applicant”).

Commissioner Alsberry asked the Planning Bureau staff to confirm the relief being requested. Mr. Knight stated that the property owner had begun construction on a building addition that would extend over the roof of the garage on-site and extend into the rear yard setback; he noted that the garage had been constructed without City authorization sometime after 2020, and thus that it was being included under the current application. Mr. Knight confirmed that the requests were for full encroachment into the four-foot, side-yard setback and for partial encroachment into the rear-yard setback.

Commissioner Alsberry asked the Applicant whether the conditions in the case report were acceptable; they confirmed that they were. He noted that the property owner had owned the property for at least sixteen years and that the existing garage portion was intended to restore a garage that previously existed on-site. The Applicant stated that the property owner believed they were permitted to “restore” the garage previously on-site. He stated that the garage foundation and elements that permitted work on vehicles were still visible in photos provided with the application. He stated that he understood that the Codes Bureau would need to inspect the work previously done.

The Applicant also noted that a structural engineer had been consulted to review the installation of the structural elements needed to expand the expansion of the second floor; he noted that the overall project would be expanding the master bedroom and then adding a new home office over the garage, and would generally retain the existing development footprint on-site.

Commissioner Alsberry asked whether any of the commissioners had comments, questions, or concerns about the project.

Commissioner McKissick asked the Applicant to confirm that the project involved a one-story addition to the structure; the Applicant confirmed that was the case. Commissioner McKissick asked how close the proposed building expansion would be to the side-yard property line and whether it would abut against the adjacent buildings. The Applicant noted that a low retaining wall separated the subject property from the neighboring property, and that there was a small access pathway along the side of the building, so that the addition would not abut the adjacent structure. Commissioner McKissick asked whether the proposed building addition would connect to any part of the attached duplex unit on the other side of the property.

Commissioner O’Toole asked what the setbacks were for the property and to what extent the proposed building addition would encroach into them. Mr. Knight confirmed that the garage and addition above it would encroach fully into the four-foot, side-yard setback, and that a small portion of the addition appeared to encroach about three feet into the ten-foot, rear-yard setback. He noted that the angled property line meant that only a small corner of the proposed addition encroached into the rear-yard setback.

Commissioner O’Toole asked for confirmation on whether the partially-constructed garage had been approved. Mr. Knight stated that the issue was somewhat complicated by there being no

good photographic evidence of the garage and noted that available evidence indicated there was no garage on-site as recently as October 2020, although he noted that if the building footprint was intact, it might create a legal, non-conforming aspect. He stated that because the project proposed an addition above the garage, he felt it was appropriate to include it in the project review.

Commissioner Reed stated that she had no questions.

Commissioner Marek reiterated Commissioner McKissick's points about potential impacts to the adjacent properties, stating that she hoped the property owners had had discussions with the residents of the properties on either side. She noted that it might not be relevant to the current proposal, since there were existing non-conforming aspects that would permit a similar encroachment for the expansion, but that she had a general concern about ensuring the project was built to the appropriate standards.

Commissioner Jordan noted that the project called for a cantilevered section of the building, and asked whether the current rear deck would remain open; the Applicant confirmed that was the case.

Commissioner Alsberry asked whether there was anyone from the public for or against the project; there were no comments.

Commissioner Marek moved, and Commissioner Jordan seconded the motion, to Approve the request with Staff Conditions. The motion was adopted by a unanimous vote (6-0).

#### **OTHER BUSINESS:**

Commissioner Alsberry asked Planning Bureau staff whether there was any other business to discuss. Mr. Knight noted that there were no formal issues to discuss, but noted that the new Planning Commissioner, Joe Canamucio, was supposed to have attended the current meeting but that a business flight was delayed which prevented him from attending the meeting.

#### **ADJOURNMENT: 7:16 PM**

Commissioner O'Toole moved, and Commissioner McKissick seconded the motion, to adjourn. The motion was adopted by a unanimous vote (6-0).