

TOWN OF GEORGETOWN - BOARD OF ADJUSTMENT

Meeting Minutes January 7, 2015

ATTENDANCE

Board Members

Jane Hovington - absent
Eric Evans
Bo Shockley - absent
Ray Hopkins
Shirley Hitchens

Staff

Jocelyn Godwin
Jamie Craddock
John Paradee, BOA Solicitor

1. CALL MEETING TO ORDER

Vice Chairperson Evans called the meeting to order in the Town Hall at 5:07 p.m.

2. APPROVAL OF OCTOBER 1, 2014 MEETING MINUTES

Member Hopkins moved, seconded by Member Hitchens, to approve the October 1, 2014 regular meeting minutes as presented. **APPROVED (UNANIMOUS)**

3. BOA CASE #2014-21

An application by M & R Properties, LLC., requesting from the Code of the Town of Georgetown (1) a special exception from §230-148 for a reduction of the 11 parking spaces to the proposed 8; (2) a special exception from §230-151 (F) for a reduction of the required 25' interior drive width to the proposed 12.5' (as it exists); (3) a variance from §230-94 for a reduction of the required 10' side yard setback to the proposed 3.5'. The property is located at 126 West Market Street, identified as Sussex County Tax District 135 Map 19.08 Parcel 89.00, zoned UB3 (Professional Business).

The application was presented by Everett Moore, managing member of M & R Properties and president of Moore & Rutt, which owns the property next door and will be the tenant of this property.

The property is under contract for purchase and has been rezoned for use as a small office. The property will be used for workspace and not for use with clients. There will be no receptionist and no signage.

The variance for the side yard setback is due to the Fire Marshal requirement for stairs. There are two nice Holly trees on the side that will shield the stairs from view. The variance for the drive is due to there just is not room, only 12.5' of land on the side as a current driveway. The parking will not be used for clients, only staff. Reducing the parking allows the applicant to maintain the current landscaping buffer, retain a large crepe myrtle and stay beneath requirement for SCD upgrades. The parking will be impervious.

Mrs. Godwin confirmed that no correspondence was received either for or against the application. The Planning Commission had one recommendation that approval have the condition that the property be used as an annex for just employees and storage and not public visitation of clients.

The public hearing was opened to the public. RT Givens spoke in favor of the application. No one spoke in opposition to the application.

Mr. Paradee, Town Solicitor, asked the applicant with regard to the two special exceptions that have been requested (1) §230-148 for the reduction in number of parking spaces and in regard to the interior drive width (2) §230-151. F., to provide if it is the applicant's position that these two requests would not substantially affect adversely the uses of adjacent and neighboring properties. The applicant stated that it is correct, they are one of the adjacent properties and they also talked with other neighbors in the area and no objections have been made. In absence of testimony from the public that would counter the applicants statement, Mr. Paradee submitted that the legal standard is met for the two special exceptions.

Mr. Paradee also asked the applicant with regard to the variance requested under §230-94 is it the applicant's position that absent the granting of the variance the applicant would incur exceptional practical difficulty. The applicant stated definitely. Mr. Paradee stated that the legal standard has been met on the variance.

Member Evans stated that as the property was rezoned prior to coming to the Board, Town Council essentially created the special exception on the property. Mr. Paradee stated it was understood and it provided further evidence that the exceptional practical difficulty they would otherwise not experience is not of their own making.

- (1) Member Hopkins moved, seconded by Member Hitchens, to grant the reduction from 11 to 8 as proposed. Member Hitchens – Yes, appropriate presentation of use and employee use only. Member Hopkins – Yes, employees only, safety issue addressed with walking path and preservation of the habitat. Member Evans – Yes, due to the special exception being created by the rezoning of the property by the Town. APPROVED (UNANIMOUS)**
- (2) Member Hitchens moved, seconded by Member Hopkins, to accept the special exception for the reduction from 25' down to 12.5'. Member Hitchens – Yes, the applicant has no options for a wider drive. Member Hopkins – Yes, there are no safety issues and the house cannot be moved. Member Evans – Yes, condition imposed by the rezone. APPROVED (UNANIMOUS)**
- (3) Member Hopkins moved, seconded by Member Hitchens, to accept the reduction of the required 10' side yard setback to the requested 3.5', subject to compliance with the State Fire Marshal. Member Hitchens – Yes, following review of the plans, no other options. Okay if compliance with Fire Marshal. Member Hopkins – Yes, with limited options and ownership of the property to the east. Member Evans – Yes, as long as Fire Marshal is good, No other option. APPROVED (UNANIMOUS)**

4. ADJOURNMENT

Member Hopkins moved, seconded by Member Hitchens, to close the meeting at 5:27 p.m. **APPROVED** (UNANIMOUS)

APPROVED: 
Eric Evans, Vice Chairperson

ATTEST: 
Jocelyn Godwin, Planning Department