

TOWN OF GEORGETOWN - BOARD OF ADJUSTMENT

Meeting Minutes September 7, 2016

ATTENDANCE

Board Members

Jane Hovington

Sunny Gyani

Ray Hopkins

Staff

Jocelyn Godwin

Jamie Craddock

John Paradee, BOA Solicitor

5:00 p.m. WORKSHOP – Education Session

1. CALL MEETING TO ORDER

Chairperson Hovington called the meeting to order in the Town Hall at 5:35 p.m.

2. APPROVAL OF JULY 7, 2016 MEETING MINUTES

Member Hopkins moved, seconded by Member Gyani, to approve the July 7, 2016 regular meeting minutes as presented. **APPROVED** (UNANIMOUS)

3. Public Hearing: BOA CASE #2016-04

An application by John & Caryn Slagowski, requesting from the Code of the Town of Georgetown a variance from §230-35 for the reduction of the required side yard setback from 10' to the proposed 8' and from the required rear yard setback from 10' to the proposed 8'. The property is located at 1 New Street, identified as Sussex County Tax District 135 Map 14.20 Parcel 84.00, zoned UR2 (Medium Residential District).

Jocelyn Godwin, Planning Administrator, confirmed no correspondence has been received, for or against, the application.

Bruce Rogers, representing the applicant, provided a hand out to the Board and presented the application. The applicant has requested a variance from the side and rear yard setback of the property. The applicant will be removing an existing 3rd floor balcony and replacing it with a fire escape, for safety purposes only, as required by the State of Delaware Fire Marshal's Office. The fire escape will not be used for regular egress or ingress. Property is currently surrounded on all three sides by fencing. The fire escape will be open construction, constructed with wood and timbers. This is not a change in the use of the property (currently a recovery house) simply an area change. The hardship for the landowner is not being able to provide sufficient exit in an emergency situation with minimal impact to the neighboring properties and neighborhood.

The applicant testified that the third floor bedrooms were in existence before the current property owner. It was also confirmed that the fire escape is a requirement of the State of Delaware's Fire Marshal's Office and not the Town's.

Discussion was held regarding different ways to ensure the fire escape would not be used for egress or ingress. Signage and a panic bar were suggested pending Fire Marshal approval.

Member Hopkins moved, seconded by Member Gyani, to approve the variance for the 2 foot setbacks conditioned the door for the egress/ingress be a panic bar with no opening from the outside pending approval from the Fire Marshal's Office.

Paradee: If the Fire Marshal's Office will not approve the use of a panic bar door, it will remain a condition of granting the variance, the stairway will only be used for an emergency fire escape.

Member Hovington called for an amendment to the motion already stated to include a stipulation it will only be used as an emergency fire escape.

Member Hopkins moved, seconded by Member Gyani, to grant the side and rear variances for 2 feet each, subject to the installation of a panic bar door that would preclude access from the exterior and only permit egress from the interior provided that the Fire Marshal will allow that to happen; if the Fire Marshal will not allow that to happen for whatever reason, the Board will approve the variance requested subject to the requirement the stairwell can only be used as an emergency fire escape and not for regular ingress and egress.

Member Hopkins – Yes, due to the requirement from Fire Marshal coming forward and I agree to the 2 feet and don't think it will be a hardship to the neighbors on the rear and side. If it's not granted this home cannot continue as a place for people in halfway situations.

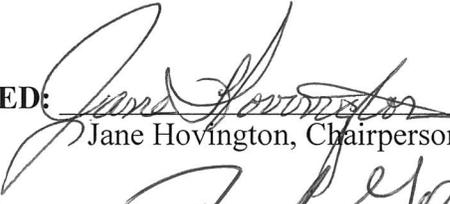
Member Gyani – Yes, I feel that there is not much adverse affect to the neighboring properties and as long as this requirement of regular usage of going in and out the back door is met.

Member Hovington – Yes, I believe this will be a hardship because this is being required by the Fire Marshal and not to approve it would be a hardship.

4. ADJOURNMENT

Member Hopkins moved, seconded by Member Gyani, to close the meeting at 6:06 p.m.
APPROVED (UNANIMOUS)

APPROVED:


Jane Hovington, Chairperson

ATTEST:


Jocelyn Godwin, Planning Department