

TOWN OF GEORGETOWN - BOARD OF ADJUSTMENT

Meeting Minutes March 7, 2018

ATTENDANCE

Board Members

Jane Hovington
Eric Evans
Shirley Hitchens
Ray Hopkins
Todd Wilson

Staff

Jamie Craddock
Glenn Mandalas, BOA Solicitor

1. CALL MEETING TO ORDER

Chairperson Hovington called the meeting to order in the Town Hall at 5:02 p.m.

2. Introduction of appointed Members

Member Evans and Member Hopkins have been reappointed to the Board.

3. Selection of Chairman

Member Hopkins moved, seconded by Member Evans, to elect Member Hovington as Chairman. APPROVED (UNANIMOUS)

4. Selection of Vice Chairman

Member Hitchens moved, seconded by Member Wilson, to elect Member Evans as Vice Chairman. APPROVED (UNANIMOUS)

5. Selection of Secretary

Member Evans moved, seconded by Member Hitchens, to elect Planning Administrator, Jocelyn Godwin as Secretary. APPROVED (UNANIMOUS)

6. APPROVAL OF FEBRUARY 7, 2018 MEETING MINUTES

Member Hopkins moved, seconded by Member Hitchens, to approve the February 7, 2018 regular meeting minutes as presented. APPROVED (UNANIMOUS)

7. PUBLIC HEARING: BOA CASE #2017-24

*An application by, Joel Deleon Ortiz, requesting from the Code of the Town of Georgetown a special exception from §230-151 for a reduction of the required 7 parking spaces to the proposed 5 parking spaces. The property is located at 411 North Bedford Street, identified as Sussex County Tax Map ID 135-14.20-15.00, zoned UB2 (Neighborhood Business). **This item was tabled at the February 7, 2018 meeting.***

Eli Ramos interpreted/presented the application on behalf of the owner, Joel Deleon Ortiz, also in attendance.

Chairperson Hovington questioned if any correspondence had been received regarding the application. Ms. Craddock read into the record a letter in opposition received on March 2, 2018 from George and Wanda Burton. A copy of the letter was presented to the applicant.

The Board questioned the square footage of the proposed grocery store vs. the square footage and proposed use of the remainder of the building, the distance of the other location where they are proposing their employees can park, and the location of the loading area for deliveries.

The applicant stated that the proposed grocery store is 1200 square feet and the remaining 3300 square feet will be used for storage. The employees could park at their business location on North Race Street approximately 2 blocks away, they can park in the back of the store, and can walk to work. Deliveries would be at the overhead door on the West North Street side of the building (shown on architectural plans), all deliveries would be made by van and can be done during off hours.

The Board expressed concern with the deliveries being made along West North Street.

The Board questioned the applicant on the time line from purchasing the property, applying for building permits, requesting the use of a grocery store on the property and applying to the Board for parking.

The applicant stated the property was purchased with the intent of opening a grocery store a year and a half ago, they applied to the Town in July 2017 for the store and were told by the Town Engineer they would have to apply to the Board for the parking.

Chairperson Hovington asked if there was anyone who would like to speak in favor of the application.

Mr. J. Deleon Ortiz, with assistance from Jose Roblero, spoke in favor of the business and stated the property was purchased with an existing business. It was purchased as commercial and intended to be used as commercial. He questioned if they could open a new space in the rear to use for unloading. There are enough areas on the roads for parking, and there is an existing liquor store on North Bedford without any parking lot or loading area. There is an additional lot that could be used for parking if needed in an emergency. The workers will be dropped off. They will not be driving to work and need to park.

Jose Roblero spoke in favor of the applicant. He stated he feels it is a good project and the owner is thinking of the Hispanic Community, which has different needs. Most customers live in the area and can walk, and will not take more than five minutes in the store.

Chairperson Hovington questioned if anyone was in the audience to speak against the application.

Judy Hill questioned where on the property is the proposed parking area. The Board explained the parking lot is behind the building (where the cement is now).

Elvsai Mejia, with assistance from Eli Ramos, spoke in favor of the application, stating that people will walk to the store and they do not need cars.

Chairperson Hovington closed the public hearing portion of the meeting.

Mr. Mandalas, Board Solicitor, clarified to the Board that the request is a special exception request, per Town Code 230-182. The decision is to be based on the site plan and information given tonight for the request of a reduction from seven (7) spaces to five (5) spaces.

Member Evans moved, seconded by Member Hitchens, to DENY the special exception application. MOTION TO DENY APPROVED (UNANIMOUS).

Roll call vote:

Member Hitchens – Yes, due to the area and for safety reasons; the parking request is for 5 spaces, once you take away spaces for employees and the handicap space, it brings it down to three available parking spaces.

Member Hopkins – Yes, due to the hardship given to the neighbors and the ambulance.

Member Evans – Yes, life safety issues in regards to the intersection and location; a business should self-sustain itself on the property; pedestrian safety with sidewalks blocked due to unloading of vans pushing the pedestrians out into the street; and a detriment to the neighboring properties.

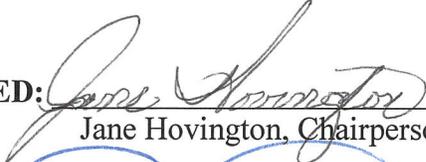
Member Wilson – Yes, too few parking spaces, believe will need the 7 parking spaces at the least, will be a detriment to the neighbors, the van unloading on the main road will present many safety and traffic issues for the Town; there are alot of markets and shops in Town where people shop and park and they have adequate parking areas that are being used mostly to full capacity; we need to work based on facts and not speculation.

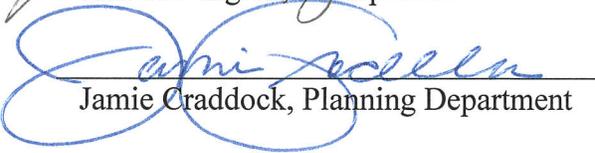
Member Hovington – Yes, this will be contrary to public interest; based on location and having less than the required parking spaces will be detrimental to the public good with pulling out and in to the parking area; it does impair the intent and purpose of the zoning ordinance; the building has 4000 sq. feet and 5 spaces is not sufficient.

Mr. Ramos stated for the record they will appeal.

8. ADJOURNMENT

Member Evans moved, seconded by Member Wilson, to close the meeting at 5:57 p.m.
APPROVED (UNANIMOUS)

APPROVED:  _____
Jane Hovington, Chairperson

ATTEST:  _____
Jamie Craddock, Planning Department