

# TOWN OF GEORGETOWN - BOARD OF ADJUSTMENT

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## Meeting Minutes May 2, 2018

### ATTENDANCE

#### Board Members

Jane Hovington

Eric Evans

Shirley Hitchens

Ray Hopkins

Todd Wilson

#### 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 5:02 p.m.

### 2. APPROVAL OF MARCH 7, 2018 MEETING MINUTES

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

### 3. Public Hearing: BOA CASE #2018-05

*An application by Axiom Engineering, LLC., on behalf of Enrique & Veronica Nunez, requesting from the Code of the Town of Georgetown a special exception from §230-148 for a reduction of the required 59 parking spaces to the proposed 20 parking spaces. The property is located at 201 East Laurel Street, identified as Sussex County Tax Map ID 135-14.20-302.00, zoned UB1 (Urban Business).*

Ken Christenbury, of Axiom Engineering, presented the application. Mr. Christenbury highlighted excerpts from the book and letter provided with the application for the Board, such as the Comprehensive Plan and a walkable development pattern with sidewalks. The applicants already own and operate a laundromat approximately two blocks west of the proposed location.

The parking requirements are not specific for a laundromat and are based on the calculation of a supermarket. The customers for this facility will mainly be walking. During a study in the end of last year, the largest number of vehicles were three with as many as seventeen customers. The owner confirmed that the survey was conducted in English and Spanish. The survey was done at the existing facility on North Race Street. The two locations are assumed to be compatible.

The site plan includes 20 parking spaces. About 12% of the customers would rely on vehicles bringing the need to 18 spaces.

Mr. Paradee, reminded the Board of the legal standard to be applied for a special exception (§230-182.A.2.) in their decision. The testimony satisfies that standard for reduction of parking whenever the character or use of the buildings is such as to make unnecessary the full provisions of parking facilities. The laundromat will be frequented most often by people who aren't driving. It is located in their neighborhood where people can access the business facility without the need to drive. The evidence presented shows based on their surveys that their customers generally do not drive. The Board needs to find that the exception will not substantially affect, adversely, the uses of adjacent and neighboring properties.

The Board confirmed that the existing laundromat will continue to operate. The question was asked regarding the practical difficulty. The applicant stated that the parking code is essentially based on a highway commercial approach where you would expect 90 to 95% of your customers to show up by vehicle. It is documented, that as of 12/17, 12.23% of the requirement for parking is a realistic need for this location. The parking for the office and tenant use would be 50% of the code requirement. The present tenants, of three apartments, only require two parking spaces. The site plan provides 19 spaces and one ADA space for a total of 20 spaces.

Mr. Paradee reminded the Board that practical difficulty or undue hardship are not part of the test for this special exception, but a standard for a variance.

Vice Chairperson Evans asked for public comment. No comments were made, either for or against.

Mrs. Godwin confirmed that no correspondence had been received, either for or against, the application.

**Member Hopkins moved, seconded by Member Wilson, to approve the special exception as requested. APPROVED (UNANIMOUS).**

**Roll call vote:**

**Member Hitchens – Yes, any concerns were addressed in the book presented.**

**Member Hopkins – Yes, applauds the complete and comprehensive application, the project will enhance the community, will bring jobs to the community and a benefit to the town.**

**Chairperson Hovington – Yes, have seen improvements in the area.**

**Member Wilson – Yes, the presentation was well put together, easy to understand and it is exciting to see the development with a well put together structure. It will not be a burden on any of the nearby buildings or neighborhoods or residents.**

**Vice Chairperson Evans – Yes, it will not be a burden to the neighborhood and the data provided was in the same geographical neighborhood.**

**Vice Chairperson Evans confirmed with the Board that the special exception as requested is for a two year approval period, as stated in their letter.**

**4. Public Hearing: BOA CASE #2018-06**

*An application by Axiom Engineering, LLC., on behalf of Chestnut Lands, LLC., requesting from the Code of the Town of Georgetown (1) a variance from §230-157 (B) for a reduction of the required 15' corner lot front yard setback to the proposed 0' and (2) a special exception from §230-148 for a reduction of the required 11 parking spaces to the proposed 6 parking spaces. The property is located on 18 Chestnut Street, identified as Sussex County Tax Map ID 135-20.05-14.01, zoned UB3 (Professional Business).*

Chairperson Hovington introduced the application. Ken Christenbury, of Axiom Engineering LLC, presented the application on behalf of Chestnut Lands LLC. The property was acquired in 2006, and was previously used by an attorney as a professional office. The business is expanding and the applicant would like to put in a parking lot. With 2300 sf, eleven spaces would be required; however, six spaces will fit and are proposed. Employees essentially park on the street. The existing vegetation was shown to the Board that is next to the closest neighbor. The Habitat for Humanity office parking lot is behind them. The plan is to preserve as much of the vegetation as possible. Access to their parking will be from the alley off of Academy.

The applicant addressed the setback variance request. A handicapped accessible restroom was put in previously. A handicapped ramp is proposed along Academy Street, connecting to the parking area. The variance is to build up to the property line to put in a handicapped accessible ramp.

The applicant informed the Board that a two year expiration has been requested.

Mrs. Godwin confirmed that no correspondence has been received, either for or against, regarding the application.

**Member Evans moved, seconded by Member Hopkins, to grant the variance to the side yard setback to put in the handicapped ramp to the property line, to make it ADA compliant, and to grant the special exception to put in parking of six spaces in the back yard. APPROVED (UNANIMOUS).**

**Roll call vote:**

**Member Hitchens – Yes, the presentation was very clear.**

**Member Hopkins – Yes, happy to keep the business in Georgetown. Approval does not create any hardship to anybody.**

**Member Evans – Yes, to the special exception for putting in something that was never required and going above and beyond. Also meets the requirements for the variance to encroach into the side yard setback and building on the building restriction line by making a handicapped accessible structure. The practical difficulty has been met.**

**Member Wilson – Yes, in favor of the special exception and variance. It will not cause a burden to anyone and improve the parking situation on that street. Appreciate your foresight in being ADA compliant as well.**

**Chairperson Hovington – Yes, it is an exceptional practical difficulty and the movement to being ADA compliant is appreciated. The two year approval is also approved with the application in which to commence construction.**

**5. Public Hearing: BOA CASE #2018-07**

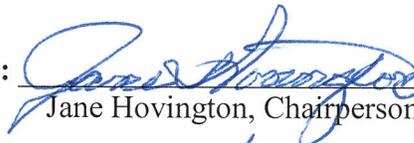
*An application by Terry A. & Vanessa A. Megee, requesting from the Code of the Town of Georgetown for Proposed Parcel A (1) a variance from §230 Attachment 1 Height Area and Bulk Requirements for a reduction of the 60' lot width to the proposed 50' lot width; for Proposed Parcel B (1) a variance from §230 Attachment 1 Height Area and Bulk Requirements for the reduction of the required 60' lot width to the proposed 45' lot width (2) a variance from §230 Attachment 1 Height Area and Bulk Requirements for the reduction of the required 7,200 square foot lot area to the proposed 6,750 square foot lot area (3) a variance from §230-157 (B) for the reduction of the required 15' corner lot front yard setback to the proposed 10'.4". The property is located on 12 Bramhall Street, identified as Sussex County Tax Map ID 135-14.15-62.01, zoned UB1 (Urban Business).*

The applicant was not in attendance. The application will be advertised and heard at the next meeting.

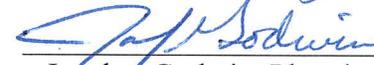
**6. ADJOURNMENT**

Member Evans moved, seconded by Member Hopkins, to close the meeting at 5:54 p.m.  
**APPROVED (UNANIMOUS)**

**APPROVED:**

  
Jane Hovington, Chairperson

**ATTEST:**

  
Jocelyn Godwin, Planning Department