

TOWN OF GEORGETOWN - BOARD OF ADJUSTMENT

Meeting Minutes August 1, 2018

ATTENDANCE

Board Members

Jane Hovington
Eric Evans - Absent
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 at 5:09 p.m.

2. APPROVAL OF JUNE 6, 2018 MEETING MINUTES

Member Wilson moved, seconded by Member Hitchens, to approve the June 6, 2018 regular meeting minutes as presented. **APPROVED (UNANIMOUS)**

3. Public Hearing: BOA CASE #2018-13

An application by College Park Route 18, LLC., requesting a variance from §230-170 H (5) of the Code of the Town of Georgetown to allow an increase in signage from the allowable 15 square feet per façade to the proposed 33 square feet. The property is located at 21748 Roth Avenue, identified as Sussex County Tax Map ID 135-14.00-35.08, zoned HC (Highway Commercial).

Doug Liberman with Larson Engineering presented the application. A variance was previously approved by the Board of Adjustment on March 17, 2017. The signs were not installed and the variance expired 1 year after approval on March 17, 2018. Approval of the variance will allow for additional visibility of the building for their clients.

Chairperson Hovington asked if there was anyone in attendance with comments.

Chairperson Hovington confirmed with Ms. Craddock that the hearing was advertised and no comments had been received, either for or against.

Member Hopkins moved, seconded by Member Wilson, to approve the variance. APPROVED (UNANIMOUS).

Member Hitchens: Yes, variance was previously approved, signs were just not installed

Member Hopkins: Yes, additional signage will provide visibility

Member Wilson: Yes, agree with the increase of visibility and promotion of the Clinic

Member Hovington: Yes, variance previously approved no cause to not re-approve

4. **Public Hearing: BOA CASE #2018-15**

An application by Theodore & Suzanne Murphy, requesting (1) a special exception from §230-101 of the Code of the Town of Georgetown to allow parking in the front yard; (2) a special exception from §230-148 of the Code of the Town of Georgetown for the reduction of the required 12 parking spaces to the proposed 10 parking spaces; and (3) a special exception from §230-151 F. of the Code of the Town of Georgetown for the reduction of the required 25' interior drive width to the proposed 12' drive width. The property is located at 313 North Bedford Street, identified as Sussex County Tax Map ID 135-14.20-79.00, zoned UB3 (Professional Business).

Melanie Defazio with Kimley Horn Associates presented the application. The property has been rezoned to UB3 to allow for a law office. The first exception requested is to allow for the expansion of the existing parking space in the front yard to allow for 2 code compliant parallel parking spaces. The second exception is to allow for a reduction of the drive aisle width from 25' to a 12' one way drive entering off of North Bedford Street and exiting into the Alley. The third exception is for the reduction from 12 approved parking spaces to 10 parking spaces, two parallel parking spaces in front of the building and 8 in the rear parking lot. A letter of hardship has been issued by Sussex Soil Conservation District supporting the removal of impervious area to allow for less flooding concerns. The law firm will only have 4 full time employees. Most consultations are handled by phone. Office consultations will at most need only 8 spaces. A handicap parking space will be in the rear parking lot along with a handicap ramp.

Member Hopkins stated there are some offices located in the surrounding area. Traffic is a concern.

Chairperson Hovington confirmed with Ms. Craddock that the hearing was advertised and no comments had been received, either for or against.

Mr. Mandalas confirmed for the Board that the application is for special exceptions, as allowed under Town Code 230 Section 182.

Chairperson Hovington asked if there was anyone in attendance with comments.

Michael Johnson, resident and business owner of Georgetown, expressed concern regarding the impact on Georgetown and the neighborhood allowing parking within the front yard in a residential area. The precedence that will be set for future applicants to request parking in the front yard.

Dawn Brasure, resident, did not have any issues with the rezoning request but is concerned about the appearance of the residential neighborhood allowing parking in the front yard. Concern was also expressed regarding traffic and the drainage and flooding issue in the area.

Dave Pedersen, resident, in support of the applicant and UB3 is a good zoning designation to have. Mr. Pedersen questioned when the previous owner created the

parking area in the front yard and if the Code was violated? Concern was expressed that the Town's Code and the calculation of the parking spaces required for the UB3 zoning may be too strict.

Steve Houston, resident, expressed concerns with the variance request not specifying the two spaces requested and wanted assurance additional parking will not be permitted in the front yard.

Chairperson Hovington confirmed with the Board there is an existing parking space in the front of the building. The applicant will be adding additional paving to allow for two code compliant parking spaces.

Chairperson Hovington closed the public hearing.

Member Hopkins moved, seconded by Member Wilson, to approve the special exception to allow parking in the front yard. APPROVED (UNANIMOUS).

Member Hitchens: Yes, proper documentation was provided

Member Hopkins: Yes, property is zoned UB3 and only adding one space

Member Wilson: Yes, adding additional paving to existing spaces, it is not a traffic issue or hardship to anyone in Town

Member Hovington: Yes, the space is existing

Mr. Mandalas confirmed with the Board that by approving the special exception it will not substantially affect neighboring properties.

Member Hitchens moved, seconded by Member Wilson, to approve the special exception for the reduction of the required 12 parking spaces to the proposed 10 parking spaces. APPROVED (UNANIMOUS).

Member Hitchens: Yes, with the rear parking area plus the 2 spaces in the front there will be enough parking

Member Hopkins: Yes, there are 2 spaces in the front and 8 in the rear, it won't be a hardship

Member Wilson: Yes, existing spaces plus the additional paving will be enough and it allows for more landscaping vs. parking spaces

Member Hovington: Yes, it will not result in any hardship or practical difficulty to the owner

Mr. Mandalas confirmed with the Board that by approving the special exception it will not substantially affect neighboring properties.

Member Wilson moved, seconded by Member Hitchens, to approve the special exception for the reduction of the required 25' interior drive width to the proposed 12' drive width. APPROVED (3 yes to 1 abstain).

Member Hitchens: Yes, agree with one way direction

Member Hopkins: Abstain

Member Wilson: Yes, 12' one way width is standard and will not be a hardship and applicant stated Fire Marshal has approved

Member Hovington: Yes, agree it will not be a substantial detriment to the public good

Mr. Mandalas confirmed with the Board by approving the special exception it will not substantially affect neighboring properties.

5. Public Hearing: BOA CASE #2018-16

An application by Jon LoBiondo, Epic Homes, requesting (1) a variance from §230-15 Attachment 1 Height Area and Bulk Table of the Code of the Town of Georgetown for a reduction of the required 120' lot depth to the proposed 98' lot depth; (2) a variance from §230-15 Attachment 1 Height Area and Bulk Tale of the Code of the Town of Georgetown for the reduction of the required 7,200 square foot lot area to the proposed 5880 square foot lot area. The property is located at 8 South King Street, identified as Sussex County Tax Map ID 135-15.17-74.00, zoned UB2 (Neighborhood Business).

Jon LoBiondo with Epic Homes, presented the application. Two variances are being requested from the Board. The first is the reduction of the required lot depth from 120' to 98' and the second is a reduction from the required lot square footage from 7200 square feet to 5880 square feet. This is an existing lot on which a two story single family dwelling will be constructed. The existing garage will be renovated to match the dwelling. The parking will be along the side of the house. The dwelling will meet the setback requirements.

Chairperson Hovington confirmed with Ms. Craddock that the hearing was advertised and no comments had been received, either for or against.

Mr. Mandalas confirmed with the Board this is an area variance and the exceptional practical difficulty standard will be applied.

Member Hitchens moved, seconded by Member Wilson, to approve the variances to allow for the reduction of the lot width from 120' to 98' and the reduction of the lot square footage from 7200 to 5880. APPROVED (3 yes to 1 no).

Member Hitchens: Yes, it will be an improvement to the area

Member Hopkins: No, agree it will be an improvement to the Town but reducing the lot depth doesn't feel right, there is a reason the requirement is 120'

Member Wilson: Yes, the project will add value to the area, and will not be a hardship to neighboring properties

Member Hovington: Yes, a single family dwelling will enhance the area, it will not be a detriment or impair the intent of the ordinance

6. Public Hearing: BOA CASE #2018-17

An application by Land Unlimited, Inc., requesting (1) a variance from §230 Attachment 1 Height Area and Bulk Table of the Code of the Town of Georgetown for a reduction of the required 60' lot width to the proposed 45.83' lot width. The property is located at 12 Terrace Avenue, identified as Sussex County Tax Map ID 135-14.16-51.00, zoned UR1 (Urban Residential).

Shannon Owens with Land Unlimited Inc., presented the application. The variance being requested is for the reduction of the lot width. The existing lot was acquired by the applicant in 1977 before the current restrictions were in place. The applicant did not create the hardship, the hardship is on the property owner due to the property not being a buildable lot. The lot meets the square footage requirement and depth requirements. There is enough space to build a small home on the lot meeting the setback requirements. The property is currently under contract by a builder to construct a single family home. If variance is not approved the sale of the lot will not occur and the lot will remain vacant.

Chairperson Hovington confirmed with Ms. Craddock that the hearing was advertised and no comments had been received, either for or against.

Mr. Mandalas confirmed with the Board this is an area variance and the exceptional practical difficulty standard will be applied.

Member Wilson moved, seconded by Member Hitchens, to approve the variance. APPROVED (3 yes to 1 no).

Member Hitchens: Yes, due to the history when lot was created, the hardship is on the property owner

Member Hopkins: Yes, it will be an improvement to the Town

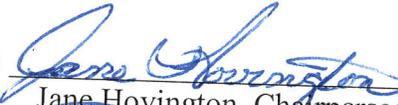
Member Hovington: No, it will be a detriment to neighboring properties

Member Wilson: Yes, due to the detriment to the property owner, this is more of a formality

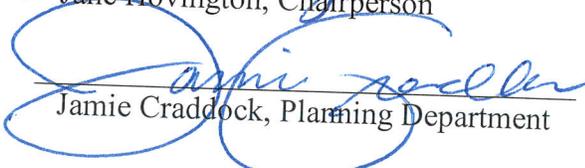
7. ADJOURNMENT

Member Hitchens moved, seconded by Member Wilson, to close the meeting at 6:31 p.m. APPROVED (UNANIMOUS)

APPROVED:


Jane Hovington, Chairperson

ATTEST:


Jamie Craddock, Planning Department