

TOWN OF GEORGETOWN - BOARD OF ADJUSTMENT

Meeting Minutes April 3, 2019

ATTENDANCE

Board Members

Jane Hovington

Eric Evans

Shirley Hitchens

Todd Wilson

Ron Howard

Staff

Jamie Craddock

Vince Robertson, BOA Solicitor

1. CALL MEETING TO ORDER

Chairperson Hovington called the meeting to order at 4:30 p.m.

Solicitor, Vince Robertson, explained the meeting format and rules.

2. Public Hearing BOA CASE #2019-08

An application by Leo Darmstadter III, with Foggy, LLC., 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 60' lot width to the proposed 41.5' lot width; (2) a variance from §230-15 Attachment 1 Height Area and Bulk Table of the Code of the Town of Georgetown for the reduction of the required 7,200 square foot lot area to the proposed 5,305 square foot lot area; (3) a variance from §230-15 Attachment 1 Height Area and Bulk Table of the Code of the Town of Georgetown for the reduction of the required 25' foot front yard setback to the proposed 5 foot setback; (4) a variance from §230-15 Attachment 1 Height Area and Bulk Table of the Code of the Town of Georgetown for the reduction of the required 10' foot side yard setback to the proposed minimum 8 foot setback. The property is located at 225 East Market Street, identified as Sussex County Tax Map ID 135-15.17-54.00, zoned UB2 (Neighborhood Business).

Brooke Darmstadter with Foggy LLC, with the assistance of professional engineer, John Roach both formally sworn in presented the application. The property will be subdivided into two lots. The existing single family dwelling will remain on one lot. A small ice-cream shop will be constructed on the newly created lot with parking for both properties in the rear. An easement will need to be created to allow access to the parking area from a third lot also owned by the developer.

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

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

The public hearing was closed at 4:43 p.m.

Member Evans moved, seconded by Member Hitchens, to approve (1) the variance to reduce the required lot width from 60' to the proposed 41.5'; (2) the variance to reduce the required lot area from 7200 square foot to the proposed 5,305 square foot; (3) the variance to reduce the required front yard setback from 25' to be no less than the proposed 5' depending on the average taken of properties within 200' (4) the variance to reduce the required side yard setback from 10' to the proposed 8' conditioned an access easement be granted before Planning Commission approval. APPROVED (UNANIMOUS).

Member Howard: Yes, the proposed is keeping with the neighborhood and character of the surrounding buildings

Member Hitchens: Yes, conditioned with the easement in place and keeping with the rest of the buildings along the street

Member Evans: Yes, it is in conformity with the downtown district, small lots allow the Town to keep its walking community, allowing the minimum 5' setback or setback according to the 200' average, and in accordance with structures in the surrounding area, conditioned an access easement is granted

Member Hovington: Yes, agree with the other members conditioned an easement be granted

3. APPROVAL OF SEPTEMBER 5, 2018 MEETING MINUTES

Member Evans moved, seconded by Member Hovington, to approve the September 5, 2018 regular meeting minutes as presented. (Hitchens abstain, Howard abstain)

Member Wilson arrived after this agenda item.

4. Public Hearing BOA CASE #2019-07

An application by David N. Rutt, Esq., on behalf of W&C Fisher Properties, I, LLC., requesting an interpretation of the Code of the Town of Georgetown, Article XXIV, §230-187 and §230-190. The property is located at 211 West Market Street, identified as Sussex County Tax Map ID 135-19.08-127.00, zoned UR2 (Medium Residential).

Vince Robertson read into record the public hearing and explained the meeting format.

Stephani Ballard, Town of Georgetown Solicitor, presented the Town's position and provided a paper copy of the powerpoint presentation.

David Rutt, with Moore and Rutt, presented the application on behalf of the property owner W & C Fisher Properties I, LLC.

Charles Lovenguth, a witness for Fisher Properties, was formally sworn in and presented testimony.

C. Ronald Johnson, a witness for Fisher Properties, was formally sworn in and presented testimony.

Tyson Mayers, a witness for Fisher Properties, was formally sworn in and presented testimony.

Connie Fisher, a witness for Fisher Properties, was formally sworn in and presented testimony.

Gene Dvornick, a witness for the Town of Georgetown, was formally sworn in and presented testimony.

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

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

Janice Jones of 200 West Market Street, was sworn in and provided her testimony to the Board.

The public hearing was closed at 6:55 p.m.

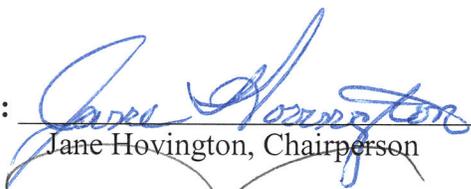
Vince Robertson stated for the record that this Board of Adjustment in making this decision does not discriminate against people based on race, color, religion, national origin, handicap or disability, familial status, sex, creed, marital status, age, sexual orientation, gender identity or source of income and that any such information will not be taken into consideration by this Board in making its decision.

Member Evans moved, seconded by Member Hitchens, to defer the decision pending guidance from the attorney of what the applicant has applied for and what the Board is approving. APPROVED (UNANIMOUS).

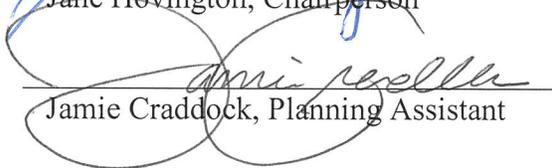
5. ADJOURNMENT

Member Wilson moved, seconded by Member Evans, to close the meeting at 7:17 p.m.
APPROVED (UNANIMOUS)

APPROVED:


Jane Hovington, Chairperson

ATTEST:


Jamie Craddock, Planning Assistant