

TOWN OF GEORGETOWN - BOARD OF ADJUSTMENT

Meeting Minutes August 7, 2019

ATTENDANCE

Board Members

Jane Hovington
Eric Evans
Ron Howard

Staff

Jamie Craddock
Jocelyn Godwin
John Paradee, BOA Solicitor

1. CALL MEETING TO ORDER

Chairperson Hovington called the meeting to order at 5:01 p.m.

2. APPROVAL OF JUNE 5, 2019 MEETING MINUTES

Member Evans moved, seconded by Member Hovington, to approve the June 5, 2019 regular meeting minutes as presented. **APPROVED (UNANIMOUS)**

3. Public Hearing BOA CASE #2019-13

An application by Kelly Jansen, with Belleau Wood Investment Group, LLC., requesting (1) a variance from §230-16 of the Code of the Town of Georgetown to allow an 8' high fence in the rear yard; (2) a variance from §230-16 & §230-157 of the Code of the Town of Georgetown to allow a fence within the required setback along the front, corner front and side yards. The property is located at 104 East Pine Street, identified as Sussex County Tax Map ID 135-19.08-159.00, zoned UB3 (Professional Business).

Mrs. Godwin confirmed to the Board that the agenda was posted on 7/29/19, the property was posted on 7/30/19 and letters were mailed on 7/30/19. Three letters were read into the record in favor of the application.

Chairperson Hovington asked if anyone in attendance had any comments, for or against the application. Michael Svaby, Facilities Management for the State of Delaware, stated he had no objection.

Kelly Jansen presented the application. There is a rental house behind their property with a lot of activity. Employees work from 4 am until Midnight, due to their work for attorneys conducting background checks with short turnaround times. Weekends included. People have been loitering on their back patio at all hours. Kids ride bikes through the parking area and walk through the yard.

The request is to put up a fence to restrict those activities and to protect their sod and irrigation they have put in. The eight foot fence is to hide the unsightly building behind them. The front fence will be a picket fence out of aluminum or a historic reproduction to

restrict people, not obstruct the view. The fence will allay concerns with their shed and restrict anyone loitering around the shed. The setbacks restrict the applicant from protecting the grass and yard.

The applicant informed the Board that the Town owns part of the front lawn where the fence would go. Sod has been installed and the front sidewalk has been repaired so that the front of the property looks good and needs to be protected.

The Board confirmed that the applicant has attempted to address the trespassing and has asked the neighbors to clean up the piles of trash. Much of the clutter is tools from their work (ladders, etc).

Legal concerns were expressed, as the proposed fence would be on the Town's property. The Board does not have jurisdiction to allow the fence on the Town's property.

The Board questioned the need for an eight foot fence across the back. The applicant conceded that the fence does not have to be eight feet the whole distance, but at least right behind their building where the applicant's entrance is used. The fence on the property line would still allow adequate access at the neighbor's side door.

The applicant was asked if the harm to the applicant if denied would be greater than the harm to the neighbor if granted. The applicant stated yes, that the neighbor would have more privacy with the taller fence. It was stated that the neighbor received notice of the application and did not attend the meeting to object.

Chairperson Hovington closed the public hearing.

Member Evans moved, seconded by Member Howard, to approve the variance from §230-16 of the Code of the Town of Georgetown to allow an 8' high privacy fence in the rear yard for the middle 40 feet of the property line with up to 6' fence on either end. APPROVED (UNANIMOUS)

Roll Call Vote:

Member Howard – Yes, seems reasonable and provides relief to the applicant

Member Evans – Yes, granting relief at the minimum amount needed, not inconsistent with the neighborhood

Chairperson Hovington – Yes, no hindrance to the community or the house behind them, it is needed to move forward, not inconsistent.

Member Evans moved, seconded by Member Howard, to approve the variance from §230-16 & §230-157 of the Code of the Town of Georgetown to allow a picket fence along the property lines within the required setback along the front, corner front and side yards. APPROVED (UNANIMOUS)

Roll Call Vote:

Member Howard – Yes, this will benefit the applicant.

Member Evans – Yes, conforms with the character of the neighborhood, not detrimental.

Chairperson Hovington – Yes, it is not detrimental to the community and will enhance property values.

Member Evans moved, seconded by Member Howard, that the Board make a recommendation to the Town Council to allow the applicant to encroach on the Town's property within the right of way to put the picket fence up to the sidewalk to enhance the livability of the neighborhood, curb appeal. The Board would grant the variance, but for the fact it is on the Town's property; therefore, our recommendation is that the Town Council allow them to extend the picket fence into the right of way with the understanding that to the extent any variance might be required for that, it is granted. APPROVED (UNANIMOUS)

Roll call vote:

Member Howard – Yes, for the reasons stated.

Member Evans – Yes, consistent with the neighborhood, it will enhance the curb appeal of the property and enhances the community. No detriment.

Chairperson Hovington – Yes, the fence will look better at the sidewalk.

4. ADJOURNMENT

Member Evans moved, seconded by Member Howard, to close the meeting at 5:37 p.m.
APPROVED (UNANIMOUS)

APPROVED:


Jane Hovington, Chairperson

ATTEST:


Jocelyn Godwin, Planning Department