

TOWN OF GEORGETOWN - BOARD OF ADJUSTMENT

Meeting Minutes March 5, 2014

ATTENDANCE

Board Members

Jane Hovington

Eric Evans

Bo Shockley

Ray Hopkins

Bill Lecates

Staff

Jamie Craddock

John Paradee

1. CALL MEETING TO ORDER

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

2. APPROVAL OF AUGUST 7, 2013 MEETING MINUTES

Member Hopkins moved, seconded by Member Evans, to approve the August 7, 2013 regular meeting minutes as presented. **APPROVED (Unanimous)**

Chairperson Hovington asked the Planning Department if the case to be addressed was duly advertised and posted. Ms. Craddock confirmed.

Member Hopkins recused himself.

3. CASE #2014-01

827 East Market Street

An application by Greater Georgetown Chamber of Commerce, requesting from the Code of the Town of Georgetown (1) special exception from §230-151 (F), for a reduction of the required 25' interior drive width to the existing 10' – 18' width; (2) a special exception from §230-148, for a reduction of the required 16 spaces to the proposed 8; (3) a variance from §230-165 to allow a 32 square foot sign. The property is located at 827 East Market Street, identified as Sussex County Tax District 135 Map 15.00 Parcel 25.00, zoned UR1 (Urban Residential).

Mr. Bob Rosenberger with Axiom Engineering, presented the application to the Board. The applicant is requesting three items for consideration. The first request is for the reduction of the drive width from the required 25' to the existing minimum 10' – maximum 18'. Mr. Rosenberger showed the Board the changes to the drive pattern which has been reviewed by DelDot. The second request is for the reduction of the required parking spaces from the required 15 spaces to the proposed eight. The adjoining property owned by Cheer will allow the use of their parking facility for overflow parking which does meet the requirement of the code 230-150 (A). A footpath will be created from the Cheer parking facility to the proposed parking facility. The third request is to allow a sign as the code does not allow for a sign in the UR1 zoning for a business. The original

request was for a 32 square foot sign but it has been reduced to 21 square feet. Mr. Rosenberger handed out a copy of the newly proposed sign. Mr. Paradee, Board Solicitor, asked that the copy of the proposed sign be noted in the record as an exhibit.

Chairperson Hovington asked if there was anyone in the audience in opposition of the application. No one in attendance spoke in opposition.

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

Mr. John Rieley, President of the Chamber Board - expressed his appreciation of the consideration of their project and is looking forward to developing a permanent home for the Georgetown Chamber of Commerce.

Mr. Paradee, Town Solicitor - for the record - questioned the presenter of the application that the testimony given is that granting the 2 exceptions requested will not substantially adversely affect the uses of the adjacent or neighboring properties which is the legal standard under the Town Code. Mr. Rosenberger replied it would not. Mr. Paradee explained the Board has the ability under section 230-183 (A) 9, to impose limitations or conditions on the size of signs and has the authority to grant the third request regarding the sign.

The Board agreed the original request for a 32 square foot sign was too large for the property and would prefer a smaller sign. The Board questioned the surface of the handicap and parking spaces. Mr. Rosenberger explained all additional/new spaces will be gravel. It was confirmed the existing driveway is currently black top. The Board requested a letter from Cheer granting permission to use their parking facility, the letter on file states they do not object to the project but does not grant permission for the use of the parking lot. Mr. Bud Clark, representative for Cheer, stated a letter would be issued to allow for overflow parking. The Board requested a letter from the neighboring property allowing use for the driveway and requested the letters be recorded documents. Mr. Paradee recommended a letter be issued and could be made part of the file and public record. The letter would have the effect of establishing a license that would be revocable in the event that the use of the property changes. It was determined three letters will be required, #1 from the Chamber of Commerce allowing the neighbor use of the shared driveway, #2 from the neighbor allowing the Chamber of Commerce use of the shared driveway and #3 from the Cheer allowing the Chamber use of their parking lot for overflow parking. The Board expressed concern regarding the request for the reduction of parking and questioned if adding additional gravel spaces would warrant additional approval from Sussex Conservation District.

Karen Duffield, Executive Director of Georgetown Chamber of Commerce - wanted to address the issue of the parking request. Ms. Duffield stated the building will be occupied by 5 employees on a daily basis. There is parking available on the street for overflow parking. A Board meeting is held once a month with at least 15 to 17 in attendance. There was concern regarding the size of the driveway and whether emergency vehicles would have sufficient space. Mr. Paradee stated for the record, the State Fire Marshal fire

protection review report dated December 3, 2013 indicates a review status of approved as submitted.

Another concern was raised regarding the on street parking and the hindrance of some ones visibility entering or exiting the property. Ms. Duffield confirmed there is a clearly defined line for on street parking and with their traffic pattern there wouldn't be any visibility issues.

It was determined each item would be addressed separately.

Chairperson Hovington entertained a motion to approve the special exception for the reduction of the interior drive width from the required 25' to the existing 10' – 18'.

Member Lecates moved, seconded by Member Shockley, to accept the motion conditioned that three letters be submitted by the applicant; #1 from the Chamber of Commerce allowing the neighbor use of the shared driveway, #2 from the neighbor allowing the Chamber of Commerce use of the shared driveway and #3 from the Cheer allowing the Chamber use of their parking lot for overflow parking.

Member Evans requested to poll the Board.

Mr. Paradee requested that the Board members also state as part of their reason, that if granted this special exception would not have an adverse effect on the neighboring properties.

Member Lecates – Aye, based on the letters being issued and the existing letters on file from the neighboring properties who would be affected.

Member Evans – Aye, do not believe it will have an adverse affect on the neighboring community with the condition of including the letters in the motion.

Member Shockley – Aye, agree with the other members and it will not create a problem.

Member Hovington – Aye, agree there will be no problem approving this particular item and reiterated the letters to be forthcoming as requested.

APPROVED (Unanimous)

Chairperson Hovington entertained a motion to grant the reduction of the required 16 parking spaces to the proposed 8 spaces.

Member Lecates moved, to accept the motion.

Motion failed for lack of second.

Member Evans moved, to grant the variance to allow a 12 square foot sign.

Motion failed for lack of second.

Member Evans moved, seconded by Member Lecates, to grant a reduction of the parking to 12 spaces conditioned that the three letters requested during the hearing be submitted by the applicant.

Member Lecates – Aye, 8 spaces may not be enough

Member Evans – Aye, reasons stated in motion

Member Shockley – Aye, if space is available for additional spaces it needs to be used.

Member Hovington – Aye, I agree

APPROVED (Unanimous)

Joan Tyndall, Chamber of Commerce – explained the staff can utilize the space in the garage, feels there is enough parking on site in addition to the overflow parking located at the Cheer property. Ms. Tyndall expressed her concern that having to add the additional parking spaces will require storm water management that the project cannot afford. The Board questioned if storm water management will be required by adding gravel spaces, or just a review would be required. Mr. Rosenberger stated his experience would lead him to believe that storm water management would be required.

Member Lecates moved, seconded by Member Evans, to reconsider the previous motion. APPROVED (Unanimous)

Member Evans moved, seconded by Member Shockley, to grant a reduction of the parking to 8 spaces conditioned that stamped plans be received by the Town showing Sussex County Conservation District would require a pond if the additional 4 spaces are provided. If Sussex County Conservation District does not require a pond the 4 additional spaces will be required conditioned that the three letters requested during the hearing be submitted by the applicant.

Member Lecates – Nay, not for the new motion

Member Evans – Aye, it will provide additional parking or be justified that storm water management will be required

Member Shockley – Aye, agree with Member Evans

Member Hovington – Nay, if storm water pond is required you would allow the reduction of eight, would rather not make applicant go through the additional review

Motioned failed, due to a two – two tie vote

Joan Tyndall, Chamber of Commerce – expressed concern with additional costs that will be associated with having to redesign the plans and the additional review for storm water management. Ms. Tyndall requested the Board accept a letter from storm water management stating the additional spaces would require a storm water pond and not have to resubmit a plan.

Member Lecates moved, seconded by Member Shockley, to reconsider the previous motion. APPROVED (Unanimous)

Member Evans moved, seconded by Member Lecates, to approve the reduction of the parking to the proposed 8 spaces conditioned that 3 employees utilize the space available in the garage at all times and that the three letters be required as in the first approved special exception.

Member Lecates – Aye

Member Shockely – Aye

Member Evans – Aye, based on the condition of the motion

Member Hovington – Aye, based on the condition of the motion and the letters coming forth

APPROVED (Unanimous)

Member Evans moved, seconded by Member Shockley, to grant a variance to allow a 12 square foot sign.

Member Lecates – Aye, I agree with 12 square feet due to testimony made by the applicant stating most of their business was done through the internet, the applicants desire to conform with the rest of the Town, and the information put in front of Board

Member Shockley – Aye, I agree with the other members on allowing the 12 square feet and believe it will be large enough to be seen from the road

Member Hovington – Aye, I concur

APPROVED (Unanimous)

4. ADJOURNMENT

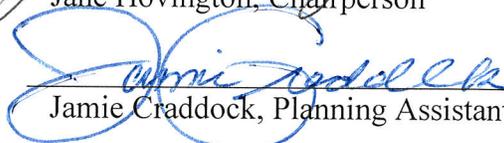
Member Evans moved, seconded by Member Shockley, to close the meeting at 6:22 p.m. **APPROVED (Unanimous)**

APPROVED:



Jane Hovington, Chairperson

ATTEST:



Jamie Craddock, Planning Assistant