

TOWN OF GEORGETOWN - BOARD OF ADJUSTMENT

Meeting Minutes

March 3, 2021

In accordance with the State of Emergency Declaration issued by Governor John Carney that became effective on March 13, 2020, and as extended, all public meetings of the Town of Georgetown shall be conducted electronically through Zoom until further notice to prevent unnecessary public gatherings.

zoom.us/join

Zoom Meeting ID: 982 2413 0909

ATTENDANCE

Board Members

Jane Hovington

Eric Evans

Ron Howard

Tom Sherman - absent

Tom Baker

Staff

Jamie Craddock

Jocelyn Godwin

Mackenzie Peet, BOA Solicitor

1. CALL MEETING TO ORDER

Chairperson Hovington called the meeting to order at 5:00 p.m.

2. APPROVAL OF FEBRUARY 3, 2021 MEETING MINUTES

Member Evans moved, seconded by Member Baker, to approve the February 3, 2021 regular meeting minutes as presented.

Roll call vote:

Member Evans – Yes

Member Howard – Yes

Member Baker – Yes

Chair Hovington – Yes

APPROVED (UNANIMOUS)

3. OLD BUSINESS

BOA CASE #2021-02

An application by Sussex Sports Center Foundation, requesting from §230-75.19 E.(2) and 230-168 B. of the Code of the Town of Georgetown (1) a variance to allow an increase in signage from allowable 12 square feet to the proposed 112 square feet (2) an increase from the allowable 8' height to the proposed 25' height (3) to be internally illuminated; and from 230-176 J. (4) a variance to allow a 6' x 10' LED Electronic Message Board sign to be wall mounted to a building located centrally on the property. The property is located at 20330 Sandhill Road, identified as Sussex County Tax Map ID 135-15.00-26.00 & 26.06, zoned UR3/RPC (Neighborhood Residential District & Residential Planned Community).

Brad Leinbach,, on behalf of the Sussex Sports Center Foundation and Sandhill Fields, presented the application. Based on the recommendations from Town staff, the application has been revised. The proposed sign will consist of a base 10' high and 3' wide, a sign 5' high and 7.5' wide and no internal illumination. The sign will be 37.5 sq ft. The sign will be externally lit by goose neck lights at the top.

As the application had been originally tabled, the BOA Solicitor asked the Board to move the application from the table forward.

Member Evans moved, seconded by Member Baker, to move the items tabled to become active items.

Roll call vote:

Member Evans – Yes

Member Howard – Yes

Member Baker – Yes

Chair Hovington – Yes

APPROVED (UNANIMOUS).

Request 1:

Member Evans moved, seconded by Member Baker, to approve the variance to allow an increase in signage from the allowable 12 sq ft to not exceed 37.5 sq ft.

Roll call vote:

Member Evans – Yes, concurs with previous statements and no negative impact to surrounding areas.

Member Howard – Yes, sign is appropriate for its intended use.

Member Baker – Yes, size is appropriate compared to original submission and the modification to reduce the size is more compatible with the signs in the community.

Chair Hovington – Yes, as the size of the sign will not hinder the community, and acknowledged and appreciated the reduction in size.

APPROVED (UNANIMOUS).

The Board questioned if the base of the sign will be at road grade or mounded. The applicant confirmed it would be at road grade.

Request 2:

Member Evans moved, seconded by Member Baker, to approve the variance to allow an increase in signage from the allowable 8 feet height to the proposed 15 feet, conditioned that the base is at road grade. APPROVED (UNANIMOUS).

Roll call vote:

Member Evans – Yes, no negative impact, it is close in height to the sign on Route 9, and supports the sign being at road grade.

Member Howard – Yes, appropriate for the use intended and there will be no adverse effect on the community.

Member Baker – Yes, supports the sign as presented and acknowledged and appreciated the reduction in size.

Chair Hovington –Yes, applicant reduced the sign as discussed.

APPROVED (UNANIMOUS).

Chairperson Hovington confirmed with the applicant that the third request for internal illumination has been rescinded.

Member Evans moved, seconded by Member Howard, to table the fourth request for the EMB within the site.

Roll call vote:

Member Evans – Yes, based on the applicant’s request.

Member Howard – Yes, based on the applicant’s request.

Member Baker – Yes, based on applicant’s request.

Chair Hovington –Yes, based on the applicant’s request.

TABLED (UNANIMOUS).

4. PUBLIC HEARING

A. BOA CASE #2021-04

An application by Silicato Development, requesting from §230-170 of the Code of the Town of Georgetown (1) a variance to allow an increase in signage from allowable 70 square feet to the proposed 201 square feet (2) an increase from the allowable 25' height to the proposed 35' height (3) a reduction of the required 25' setback to the proposed 4' setback. The property is located at 20983 Dupont Boulevard, identified as Sussex County Tax Map ID 135-19.077.01 zoned HC (Highway Commercial).

David Kuklish, of Bohler Engineering, presented the application on behalf of Silicato Development. An aerial image was shared showing the location of the site. The sign is to be located on the northeast corner of 113 and Edward Street. There is a right in/right out access on Route 113 and full access on Edward Street.

The applicant stated that identification of the site is critical for a convenience store. Cars need to see the sign then maneuver to be able to access the site. DelDOT is improving Route 113 due to the Corridor Preservation Plan and access crossovers will be removed and grade separated interchanges are being put in north and south of the site in the next several years.

Proposed signs are the standard sign package for the convenience store with 201 sq ft including gas signage, and a height of 38'. A visual of the same sign was presented from their Camden location which included some DelDOT improvements as well. The existing

sign is within the right of way, on the property line, and the proposed sign will be 14' back from Route 113 and 4' back from the corner line.

The proposed site plan was presented to highlight some of the hardships regarding location of signage. Underground utilities and compliance with the Town's landscaping and parking requirements impact location. The applicant feels the signage is consistent with the surrounding development. DelDOT approval of the sign will also be needed.

Planning confirmed that no correspondence has been received either for or against.

The Board confirmed the height being requested as 38' with the applicant. Planning confirmed a typographical error was made. Planning confirmed that the applicant will need to apply with the Board for an additional request regarding the front yard setback mentioned (for electronic charging stations). The additional item discussed was an issue picked up through the site plan review process by the engineer after the meeting was noticed. It was applied for as a Planning Commission waiver; however only the Board can grant that request.

The Board questioned the site triangle and confirmed that DelDOT will review it. Visibility on Route 113 was discussed and the applicant was asked if there was a standard in the industry for the size of a sign needed based on the speed limit of a roadway. The applicant was not aware of such a guideline and was basing the need on the volume of traffic and visibility following DelDOT improvements. The Wawa in Millsboro was compared as having a much smaller sign and being visible.

Chairperson Hovington opened the public hearing for comments.

Chris Salemi, owner of the adjacent property to the north, had no objection to the size of the signage requested, did not think the request was unusual due to nature of convenience store with gas prices and his property would be most affected.

The public hearing was closed.

Request 1 & 2:

Member Evans moved, seconded by Member Howard, to table the variances to allow an increase in signage from the allowable 70 sq ft to the proposed 201 sq ft and the variance to allow an increase in signage from the allowable 25' height to the proposed 38' height, so the applicant can reevaluate the request for what is needed versus what is wanted.

Roll call vote:

Member Evans – Yes, need to reevaluate.

Member Howard – Yes, need to reevaluate what is needed and not be so large.

Member Baker – Yes, reevaluate.

Chair Hovington – No, the height requested is not an issue.

TABLED (3-1).

Request 3:

Member Evans moved, seconded by Member Howard, to approve the variance to reduce the required 25' sign setback to the proposed 4', noting that DelDOT will review the location of the sign separately for compliance with line-of-sight visibility requirements.

Roll call vote:

Member Evans – Yes, with the understanding that DelDOT will review the proposed sign location.

Member Howard – Yes, with the understanding that DelDOT will review the proposed sign location.

Member Baker – Yes, no issue. Appropriate for the site.

Chair Hovington – Yes, there were no issues with the community.

APPROVED (UNANIMOUS).

5. PUBLIC HEARING

A. BOA CASE #2021-05

An application by Dwight Phiefer, requesting from §230 - Attachment 1 Height Area and Bulk Requirements of the Code of the Town of Georgetown (1) for a reduction of the required 120' lot depth to the existing 73' lot depth; §230 - 27 (2) a reduction of the required 25' front yard setback to the proposed 10' setback; §230 - 157 B. from the required 15' side yard setback to the proposed 10' setback. The property is located at 302 Kimmey Street, identified as Sussex County Tax Map ID 135-14.20-247.00 zoned UR1 (Urban Residential).

Dwight Pheifer presented the application. Property is on the corner of Kimmey Street and East North Street. The property has been in the family since the 60's. The variances are being asked for to make the property saleable and a house can be built on it, again. A two-year expiration is being requested to allow the new owner to have time to build.

The Board Solicitor indicated that the request is for area variances which require exceptional practical difficulty to be approved. The applicant stated that to the rear is a vacant lot, on the 10' side there is a home, and the house that was on the lot was torn down approximately 10 years ago. There would be no impact to the surrounding properties if granted. The lot is not much different than others on the street. The other homes are very close to each other. The intent is to sell the lot.

Planning confirmed that no correspondence was received either for or against. Chairperson Hovington asked for any public comment. No one spoke for or against the application. The public hearing was closed.

The Board confirmed that the surrounding properties were similar in setbacks. The rear setback calculation was confirmed by Planning as being okay per §230-29 of the Town Code and Planning confirmed that the driveway is allowed in the side yard setback.

Request 1:

Member Baker moved, seconded by Member Evans, to approve the variance to reduce the required 120' lot depth to the existing 73'.

Roll call vote:

Member Evans – Yes, non-conforming lot already established. 73' is acceptable.

Member Howard – Yes, as stated.

Member Baker – Yes, appropriate for the site compared to the surrounding area.

Chair Hovington – Yes, more impact to the owner if denied than to the neighbors if approved.

APPROVED (UNANIMOUS).

Request 2 & 3:

Member Baker moved, seconded by Member Evans, to approve the variance to reduce the required 25' front yard setback to the proposed 10' and the variance to reduce the required 15' side yard setback to the proposed 10'.

Roll call vote:

Member Evans – Yes, request is compatible with the surrounding area and is not detrimental to the neighborhood.

Member Howard – Yes, needed to make the lot usable.

Member Baker – Yes, compatible with the surrounding area.

Chair Hovington – Yes, not a detriment to the community. It would be a hardship if not approved.

APPROVED (UNANIMOUS).

Member Evans moved, seconded by Member Baker, to grant the approvals for two years to allow time for the new buyers to build.

Roll call vote:

Member Evans – Yes, it allows a new buyer time to get a building permit and start construction.

Member Howard – Yes, acceptable.

Member Baker – Yes, matches the area.

Chair Hovington – Yes, allows owner time to move the property.

APPROVED (UNANIMOUS).

6. **ADJOURNMENT**

Member Evans moved, seconded by Member Baker, to close the meeting at 6:12 p.m.

Roll call vote:

Member Evans – Yes

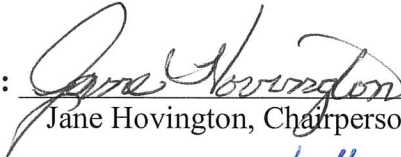
Member Howard – Yes

Member Baker – Yes

Chair Hovington – Yes

APPROVED (UNANIMOUS)

APPROVED:


Jane Hovington, Chairperson

ATTEST:


Jocelyn Huff, Planning Department