

TOWN OF GEORGETOWN - BOARD OF ADJUSTMENT

Meeting Minutes January 5, 2022

ATTENDANCE

Board Members

Jane Hovington

Tom Baker

Ron Howard

Mike DiGiacoma - absent

Billy Edwards - absent

Staff

Jamie Craddock

Jocelyn Huff

Mackenzie Peet, BOA Solicitor

1. CALL MEETING TO ORDER

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

2. APPROVAL OF DECEMBER 1, 2021 MEETING MINUTES

Member Howard moved, seconded by Member Baker, to approve the December 1, 2021 regular meeting minutes as presented. **APPROVED (UNANIMOUS)**

3. Public Hearing: BOA CASE #2021-25

An application by William Lenihan, AIA., with Tevebaugh Architecture, on behalf of The State of Delaware, requesting from the Code of the Town of Georgetown (1) a variance from §230-154 and §230 Attachment 1 Height Area and Bulk Requirements for an increase of the proposed building height not to exceed 75' from grade (2) a special exception from §230-151 for the reduction of the required 25' interior drive width to the proposed 23' 8" drive width (3) a variance from §230-151 for the reduction of the required 10' x 20' parking space size to the proposed 8' 6" x 18' parking space size (4) a variance from §230-148 for reduction of the required 559 parking spaces to the proposed 407 parking spaces. The properties are located at the corners of East Market, South Race and East Pine Streets, identified as Sussex County Tax Map ID 135-14.20-223.00; 224.00; 225.00; 226.00; 227.00; 228.00; 229.00; 230.00; 231.00; 232.00; 233.00 and 135-15.17-148.01 zoned HD (Historic District).

Vince Robertson, Applicant's counsel, presented the application on behalf of the State. The project has received approval for the zoning amendment requested and preliminary approval has been given contingent upon the approval of the four variances requested tonight.

Chief Judge Michael Newell reviewed the need for the new facility and stressed three issues that would be addressed: size; security and dignity.

Bill Lenihan, of Tevebaugh Architecture, was sworn in and assisted Mr. Robertson with the review of the three requested variances and one special exception.

The following exhibits were provided by the applicant:

1. Parking Dimensions
2. Revision letter to Kent and Sussex County Family Courthouse Parking Study
3. Kent and Sussex County Family Courthouse Parking Study
4. Letter from Ashley M. Bickel, Esquire, in favor of the application

Chief Judge Newell and Bill Lenihan agreed with all statements presented by Vince Robertson on behalf of the Applicant's request.

Ms. Huff confirmed that no correspondence was received either for or against the application.

Chair Hovington asked for any public comment in the audience or on Zoom.

Mark Hudson, attorney, spoke in favor of the application due to current conditions involving security, parking, public access/lobby and litigant transport with access in the alley.

Anthony Dohring, attorney, spoke in favor, citing safety concerns and need for more space.

Dennis Schrader, attorney, spoke in favor, sharing the history of the downtown and of the court buildings.

Member Baker moved, seconded by Member Howard, to approve the variance to increase the proposed building height, not to exceed 75' from grade.

Roll call vote:

Member Baker – Yes, the proposed height will not cause a visual obstruction as presented.

Member Howard – Yes, for reasons stated by Member Baker.

Chair Hovington – Yes, there would be a practical difficulty if not approved. Chair added that she understands the need for increased height.

APPROVED (UNANIMOUS)

Member Howard moved, seconded by Member Baker, to approve the special exception for the reduction of the required 25' interior drive width to the proposed 23' 8" drive width.

Roll call vote:

Member Baker – Yes, the code does not match.

Member Howard – Yes, as cars are getting smaller.

Chair Hovington – Yes, it is not contrary to public interest, and there will be no detriment to the public if approved.

APPROVED (UNANIMOUS)

Member Baker moved, seconded by Member Howard, to approve the variance for the reduction of the required 10' x 20' parking space size to the proposed 8' 6" x 18' parking space size.

Roll call vote:

Member Baker – Yes, the code does not match.

Member Howard – Yes, the width is adequate and decreased parking space size is adequate.

Chair Hovington – Yes, compliance with the restriction will create a hardship for the Applicant if not approved.

APPROVED (UNANIMOUS)

Member Baker moved, seconded by Member Howard, to approve the variance for reduction of the required 559 parking spaces to the proposed 407 parking spaces.

Roll call vote:

Member Baker – Yes, since existing Sussex County parking is included in the garage, there will be more public parking.

Member Howard – Yes, for the reasons stated by Member Baker.

Chair Hovington – Yes, the study shows that 407 spaces are sufficient for the need.

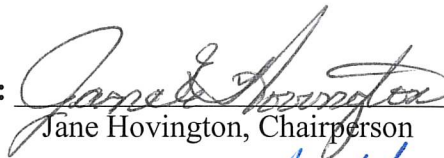
APPROVED (UNANIMOUS)

4. ADJOURNMENT

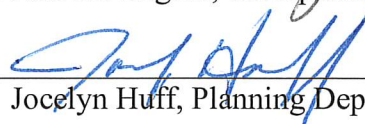
Member Howard moved, seconded by Member Baker, to close the meeting at 6:40 p.m.

APPROVED (UNANIMOUS)

APPROVED:


Jane Hovington, Chairperson

ATTEST:


Jocelyn Huff, Planning Department