

TOWN OF GEORGETOWN - BOARD OF ADJUSTMENT

Meeting Minutes August 3, 2022

ATTENDANCE

Board Members

Jane Hovington

Tom Baker

Ron Howard (absent)

Mike DiGiacoma

Billy Edwards

Staff

Jamie Craddock

Mackenzie Peet, BOA Solicitor

1. CALL MEETING TO ORDER

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

2. APPROVAL OF June 1, 2022 MEETING MINUTES

Member Baker moved, seconded by Member DiGiacoma, to approve the June 1, 2022, regular meeting minutes as presented. **APPROVED (UNANIMOUS)**

3. ORGANIZATION OF THE BOARD

A. Introduction of appointed Members

Members Jane Hovington, Tom Baker and Billy Edwards have been reappointed for 3-year terms.

B. Selection of Chair

Member Baker moved, seconded by Member DiGiacoma, to elect Member Hovington as Chairperson. **APPROVED (UNANIMOUS)**

C. Selection of Vice Chair

Member DiGiacoma moved, seconded by Member Edwards, to elect Member Baker as Vice Chairperson. **APPROVED (UNANIMOUS)**

Member Baker moved, seconded by Member DiGiacoma, to amend the agenda by adding item D. Selection of Secretary. **APPROVED (UNANIMOUS)**

D. Selection of Secretary

Member Edwards moved, seconded by Member DiGiacoma, to select Jocelyn Huff as Secretary. **APPROVED (UNANIMOUS)**

4. Public Hearing: BOA CASE #2022-18

An application by Waller Family Holdings, LLC, requesting from the Code of the Town of Georgetown, (1) recognition of a nonconforming building as to setback requirements, pursuant to §230-195 and (2) a variance from the setback requirements set forth in §230-93 to allow a zero front yard setback for an existing building and to allow an encroachment within the sidewalk portion of the East Pine Street right-of-way, to provide a covered porch entry. The property is located at 10 East Pine Street, identified as Sussex County Tax Parcel 135-19.08-164.02 zoned UB3 (Professional Business District).

John Sergovic, of Sergovic, Carmean and Weidman, on behalf of Waller Family Holdings, LLC., presented the application. Mr. Sergovic provided the history of the property, existing building, and the encroachment of the existing steps. Mr. Sergovic stated the existing lot size of the property is 50% of what is required by the current zoning of UB3. The existing structure has been there since at least 1966 and has never had a setback from the front yard and the existing steps are within the Town's right-of-way. The Town Council has granted an easement allowing the property to maintain the encroachment. The owner is looking to construct a covered porch therefore increasing the encroachment slightly. An architectural drawing was provided to the Board. The proposed porch will be in keeping with the architecture of the existing Superior Court and the architecture of the proposed Family Court. The porch would also meet the intent of Town Code section 230-96, the exterior appearance of the structure shall be that of a single-family dwelling house. Mr. Sergovic explained that the addition of the covered porch will protect the front entrance and serve as a safety precaution during inclement weather events. Mr. Sergovic also cited Town Code section 230-180 C. and testified that the exceptional practical difficulty to the applicant is the existing nonconforming lot size and nonconforming building. It would not be economically feasible to tear down the existing building, and that removal of the structure would be an economic waste. Mr. Sergovic also stated it would not be a detriment to the neighborhood.

It was confirmed that the existing stoop is approximately 6' off the property and that the proposed front porch will also be approximately 6'. It will not affect the sidewalk in front of the property.

Ms. Craddock confirmed that correspondence was received on 8/2/2022 from Mr. Haller stating that he had no objection to the application, and it will improve the area.

There was no one in attendance or on zoom to speak for or against the application.

Member Baker moved, seconded by Member DiGiacoma, to recognize the existing nonconforming building as to setback requirements.

Roll call vote:

Member Baker – Yes, per Town Code 230-195, the associated properties in the neighborhood are in violation of the zoning code and the determinant to the owner is greater if not granted.

Member DiGiacoma – *Yes, the structure predates the code and based on the evidence provided by the applicant the harm would be to the applicant.*

Member Edwards – *Yes, the harm to the applicant is greater if the variance is not approved.*

Chair Hovington – *Yes, approving the variance does not provide any harm to the surrounding community.*

APPROVED (UNANIMOUS).

Upon a motion made by Member DiGiacoma the Board voted unanimously to approve the variance to allow a zero front yard setback for an existing building and to allow the encroachment within the sidewalk portion of East Pine Street within the Town right-of-way.

Roll call vote:

Member Baker – *Yes, there has never been a setback enforced, and enforcement of the setback is detrimental to the owner if the variance is not granted.*

Member DiGiacoma – *Yes, the applicant would face undue harm if the variance is not granted and the cost to tear down and rebuild the structure would make the lot unusable.*

Member Edwards – *Yes, if not granted it will cause the applicant undue harm.*

Chair Hovington – *Yes, the applicant is only putting back what was already there and only extending the width of the steps.*

APPROVED (UNANIMOUS).

5. ADJOURNMENT

Member DiGiacoma moved, seconded by Member Edwards, to close the meeting at 5:20 p.m. **APPROVED (UNANIMOUS)**

APPROVED:


Jane Hovington, Chairperson

ATTEST:


Jamie Craddock, Planning Assistant