

Board of Adjustment minutes for June 27, 2017 meeting

These minutes are not verbatim

Brian Dolan – It is 7 o'clock or thereabouts, and I am calling the meeting of the Board of Adjustment to order and I'd like to start with a roll call of members beginning on my right.

Steve Crawford – present

Jim Crellin – present

Brian Dolan – present

Shannon Carmean- Burton for Seth Thompson – present

Roger Thomson - present

Janet Turner – present

Brian Dolan- Are there any additions or corrections to the agenda? Hearing none may I have a motion to approve?

Janet Turner - So moved.

James Crellin - second

Brian Dolan - all those in favor say aye

Board members – aye

Brian Dolan - First matter on the agenda is the application of Hop Haus Partners, LLC. Is there someone here from Hop Haus Partners, LLC to speak in favor of the petition?

Tim Willard - I am Tim Willard, an attorney with Fuqua, Willard, Stevens and Schab. We have offices in Georgetown, Lewes and Rehoboth Beach. I represent the applicant, Hop Haus Partners, LLC. There are 3 members, Rhett Ruggerio, who is present this evening, Matt Munndock (sp), a Lewes resident and Lance Manlove. These three gentlemen do some projects and actually did the renovations on the house at the corner of Sand and Chestnut. With your permission Mr. Chairman, I'm going to handouts and documents that are probably already in your record, but I'm going to use this for you to follow along.

Brian Dolan- Surely please do.

Tim Willard - This may be somewhat redundant.

Tim Willard – Before I begin, Mr. Collier has been a great help throughout the process. I have the proof mailings with me.

John Collier – The proof of mailings have been received from your office and are on file.

Tim Willard - We sent direct notice to all the neighbors about our presentation and I have included a copy of the cover letter that was sent with them. You have a copy of a cover letter which essentially

summarizes what we are requesting to do. Basically we are requesting an area variance in order to allow for partitioning a lot and generally that's what was conveyed to the neighbors. We're asking for an area variance for the proposed tract to front on Sand Street. The property has more than enough frontage, but lacks the required depth. I let them know that I represent Hop Haus. The partition layout would be 115 feet wide when only 75 is required and the variance is generally for the depth of the lot. The lot at its widest point is approximately 70 feet and for small portion that it reduces to 58 feet when by code 100 feet of depth is required. We're also proposing reduction in the building setback lines on the frontage and in the rear. Currently by Code the required front setback is 23.67 feet and we are requesting a reduction to 5 feet the required rear setback is 15 feet and we are requesting a reduction to 10 feet. Because of the proposed partitioning we are requesting a reduction of the required 10000 square feet to 7712 square feet on the portion the existing house sits upon. This is a narrow lot with considerable depth. Attached to the letter is a copy of the notice that spells out the specifics of the request for variance. All in all the first portion of the request is to obtain a reduction in the required depth for a lot. We actually are proposing a greater frontage and slightly more square footage than required. We only need relief on the depth of the lot with regards to required lot minimums. We're also asking for reduction of 5 feet to 10 feet for the rear setback instead of the required 15 feet. We've asked for no relief on the side setbacks from the required 10. And we are requesting a reduction from the 23.67 feet as allowed by code to a front setback of 5 feet. Finally, because of the newly created lot. Finally, we're asking for reduction in the minimum required square footage for the remainder of the property from 10,000 square feet to 7712 square feet. I hope to the request for the variance is somewhat clear. The Survey is attached to shows his dimensions. The plot for the lot is attached and I hope that it gives you enough information to discern what we're speaking of. We believe that we're not proposing a lot that is out of character with the surrounding neighborhood. As illustrated on this map you will see that a large part of the Historic District is comprised of essentially nonconforming lots. The setbacks we propose are consistent with those throughout the area. Also attached is a rendition of what the property owners might seek approval to build as the lot is within the historic district. And as we try to build a record which satisfies your Code for what a variance is called for. You need to look at the neighboring lots. I have some pictures here from Google maps, which centers on the lots between Sand and Poplar Streets. You can see, there are a variety of homes as far as sizes and distances to the roadway. As you look from Sand to Poplar to Manship to Hazzard. You will notice this variety, which I believe is part of the charm and character of the neighborhood. I believe what my clients proposing is lot size and future dwelling that's consistent with the rest of the surrounding area. The remaining pictures are various views of the immediate area. The first exhibit is Sand Street looking toward the lake. I can represent to the board that I received a couple of calls in response to the letter that was mailed. The Peppers who received are here as well. One call was from a resident who resides on Chestnut Street between Sand and Poplar. We had a conversation where his concern was simply the trees in the back of the property and whether they could be preserved. He was not opposed to the partitioning. I also spoke to Mrs. Mifflin. Who also had no opposition to the application. She also stated that her family had resided on the street and she'd grown up here. She stated that her father had lived in the house on the portion of the property that were seeking to petition and that he had built at home. It was obviously torn down years ago. The other examples included in the attachments. I bring tonight show various representations of less than required setbacks, I'm assuming that these are all grandfathered, within the neighborhood. With the copy of the tax map you can see that in the surrounding neighborhood there are lots that are similar in size and footprint as what my clients are proposing. Which I feel is significant

when you review your statutes and render your decision. Relative to 220 (B) 2. Within your code. The proposal is consistent with the surrounding neighborhood. The proposal would not have an adverse impact on the physical or aesthetic qualities of the surrounding neighborhood. A new home on Sand Street would have a beneficial impact for the surrounding neighborhood. The unusual long narrow features this lot were not created by the applicant. No other portion of the lot would accommodate a reasonable partitioning to allow for the construction of a single-family home. Unless you have specific questions for me or my client Mr. Ruggerio, I am pretty much finished with my presentation. I would ask Mr. Ruggerio to come to the microphone.

Tim Willard – Mr. Ruggerio, is this pretty much an accurate representation of what you seek in your variance at 428 Chestnut St?

Rhett Ruggerio - Yes, I believe you've accurately represented what my associates and I are seeking. We purchased the property at 428 Chestnut and did not realize initially how deep the lot was, but once we were where the boundaries we thought it. It would be best to consider dividing the property, rather than have a massive backyard. We are currently doing renovations at several other locations in town and I hope to begin this project sometime in the future.

Tim Willard - I hope my client doesn't mind me saying so, but in the planning leading up to what to do with this lot. There was a notion on the table to possibly divide this into three lots instead of two, but after some careful consideration of the ordinances was determined that two lots would be in the best interest and best fit the surrounding neighborhood.

Brian Dolan - Are there any members of the board with questions for the applicant?

Janet Turner - I have a question, I'm looking at the drawing of the building and the proposed lot. Sand Street is a very narrow street and there are no sidewalks on either side. My concern is parking. There is no indication for off-street parking.

Tim Willard – The parking will be addressed once a building permit is applied for.

Janet Turner – I was concerned because it is a very narrow street.

Tim Willard - I believe it would be my clients intent to develop the site with adequate parking in mind.

Steve Crawford - Just to be clear is that a one-way or a two-way street?

Rhett Ruggerio - It is a two-way street.

Brian Dolan - other questions from board members? Are there any questions from the public to the applicant? Anything else Mr. Willard?

Tim Willard - No sir.

Brian Dolan - Is there anyone here to speak against the application?

Brian Dolan - Is there anyone here in favor of the application?

Fred Pepper - I am an adjoining owner and I am in favor of the application. I also own properties that are similar on Manship and Poplar and only hope that they remember and offer the same relief should I seek such.

Brian Dolan - Mr. Pepper, would you state your full name for the record, and what is your address.

Fred Pepper - Frederick H Pepper 13034 Cedar Creek Rd., Milton, DE

Brian Dolan - Thank you, are there any other comments from the public?

Brian Dolan - Can I get a motion to close the public hearing?

James Crellin - So moved.

Roger Thomson – second

Brian Dolan - all those in favor

Steve Crawford – aye

James Crellin – aye

Janet Turner – aye

Roger Thomson – aye

Brian Dolan – The public hearing is now closed. We are now moving into new business and the application of Hop Haus Partners.

Brian Dolan - Are there any comments from members of the board?

Steve Crawford - I am concerned about parking and the narrow street. I understand that this is something that's out of the applicant's control and maybe the Town has to look at it from a public safety point of view. If it's a two-way road and parking is allowed on both sides, I'm concerned that house on the middle of the block might not be accessible to emergency vehicles. Of course I'm not sure if that is something that you should address it may be a concern of the Town's. I drove that road the other day and I have an older car and it took all the road.

James Crellin - Steve I believe your point would apply to the other lots that are already on Sand Street. I don't believe that the house built on this lot would be 115 feet long and there would probably be ample space for at least 2 to 4 cars. That would be addressed at the time a building permit is issued.

Rhett Ruggerio - one of my partners is designed with the building company and I'm sure that that would be taken into consideration once we get to the state where we're going to build a home on the lot.

Steve Crawford - I noticed that you requesting a 5 foot setback along the front of the property. I'm little concerned about that depth and am wondering if there could be a compromise reached on that front setback and still allow you to build a reasonable house on the property.

Tim Willard - if I may, I talked to Lance about this. The currently allowable setback is 23.67 and they don't really want to build this long ridiculously narrow home. We are amiable to you, considering 10 feet in the front.

Brian Dolan - Any of the comments from board members?

Shannon Carmean Burton - If you would like to review the parking requirements Steve In the code under the R-1 district parking requirements, it refers to Article 7 under the development guidelines you can see exactly what off street parking is required.

Brian Dolan - § 220-42

Shannon Carmine-Burton – It does refer to a single family dwelling unit as requiring 2 off street parking spaces.

Brian Dolan - as you're looking at that. When I look through this application and try to apply § 220 – 83. I do not feel an undesirable change would be produced as a result of this action. It seems to be consistent with the character of the surrounding neighborhood. In regarding the road and the turn off of Chestnut onto Sand. There are two houses, both of which sit very close to the road and there's no way that road could be widened. And if you look at other side streets such as Sand similar circumstances exist so I don't see any's any change in character of the surrounding neighborhood. I don't believe the applicant can reasonably achieve the benefits they seek by another method. I do believe the request a variance is significant or substantial the percentage changes are seeking are fairly significant. I don't believe this will have an adverse impact on the physical or environmental characters in the neighborhood other than other than the ability to traverse the road is an issue. I do not believe they created this difficulty themselves. Basically they're stuck with what they purchased and I don't see that there's another means to accommodate what they seek to do so that when I look at the factors to consider if that raises any additional comments.

Janet Turner - I went by the site today. Just to take a look at the scene there's nowhere the two cars can pass each other on the road. It's very narrow and there's really no place to park, but the existing driveways. I don't know if there's any plans to widen the street putting curbs, sidewalks or any other improvements.

John Collier - if you would please the board I can offer is that the town has a limited right-of-way on that street. Currently it's approximately 21 ½ feet. This is the case on all of the little side streets that run between Federal and Chestnut. Widening that street to the full right-of-way width would put pavement within two and half feet of the street side, front corner of the house on Chestnut Street. I don't foresee a significant widening project in the future for that street because of house placement. If traffic becomes an issue. The town can certainly legislate that to be a one-way street and also legislate parking. Ms. Carmean Burton's comment about only being required two off street parking spaces is correct. If you look at the proposed building footprint on the lot you will notice that even if you increase their request for the front setback to 10 feet there left within approximately 50 x 60 building envelope on the widest portion of lot and that leaves room for some substantial construction and a reasonable sized home. If you observe the narrow portion you'll find that that's certainly enough space to build either in attached or detached two car garage as well, creating additional parking places. These are things to consider and I have to agree with one of the board and there and their concern for access by emergency vehicles. All it takes is a neighborhood barbecue and you have an issue. The board does have the ability to granite deny it or negotiate a change, and this meeting. This would be what I can offer from the

town's perspective on this issue. There already exist nonconforming size lots on this street. This is a common occurrence on all the side streets between Federal and Chestnut.

Steve Crawford - so to be clear, the applicant is willing to consider a ten foot setback on the front from the 5 foot that's being asked. Are you asking for any additional change to be considered in the rear?

Tim Willard - that would be nice if we could make it up in the back, it seems to me seems to me to attend the front-end in the back as well. Gives him a decent building footprint

Steve Crawford - the reason I ask because of the jog in the property that setback seems to narrow considerably on one portion. However, it seems to still leave sufficient space for any additional off street parking.

Tim Willard - I tend to agree

Steve Crawford - Is that something you can agree to tonight.

Rhett Ruggerio - I believe that we can especially after hearing the comments tonight

Tim Willard - again, my clients want to develop a property that will enhance the neighborhood.

Steve Crawford - so the change in the application that you be willing to accept would be change the 5 foot front setback to 10 feet. And leave everything else as requested.

Tim Willard – yes

Brian Dolan - 5 foot change in the front or the rear?

Steve Crawford - in the front on the street side

James Crellin - a 10 foot setback in the front.

Steve Crawford – yes

James Crellin - increasing it to 10 feet in the front

Steve Crawford – yes

Tim Willard – yes

John Collier - effectively you're asking for reduction of 13.67 feet from the required 23.67 feet to a net of 10 feet

Tim Willard - thank you for the clarification

Shannon Carmean Burton - So does that change address the concerns of the board?

Steve Crawford - I believe the issue you point out and the issues Mr. Collier pointed out have addressed the concerns. The applicant is going to meet that requirement and any other requirement, at the time a building permit might be issued.

Brian Dolan - so the rear setback is going to be 10 feet?

Tim Willard - that is a request as 15 feet is what is normally required.

Brian Dolan - are we ready to entertain a motion?

James Crellin - so the only change from the initial application is the front setback will be 10 feet instead of five feet.

Tim Willard - yes sir

James Crellin - I move that we accept the change to 10 feet for the front setback.

Janet Turner – second

Brian Dolan - so the motion is for changing the setback in the front to 10 from the five initially requested, the rear setback will remain at 10 as requested side setbacks will remain at 10 feet as required by code and were allowing for the reduction depth of the lot from the required hundred feet.

John Collier - that is correct, sir

Brian Dolan - all in favor

Steve Crawford – Aye for the reasons noted during the discussion

Janet Turner – Aye for the reasons as noted in the discussion

James Crellin – Aye for reasons as noted in the discussion adverse effects

Roger Thomson – Aye for the reasons as noted in the discussion

Brian Dolan – Aye for reasons as noted in the discussion

Brian Dolan - motion carried

Brian Dolan - Is there any other business before the Board?

Shannon Carmean Burton - that motion was just to address the change in the application correct

John Collier - I believe that be so

Brian Dolan - so we need another motion to accept the rest of the variance

James Crellin - I move we accept the remainder the application as presented. That would be the reductions in the lot depth 10 foot side setbacks and reducing the rear setback from 15 to 10 feet and reduction of the lot fronting Chestnut Street from 10000 square feet to 7712 square feet.

Steve Crawford – second

Brian Dolan - all those in favor

Janet Turner – Aye

Roger Thomson – Aye

Steve Crawford – Aye as I believe these changes will not adversely affect the surrounding neighborhood

James Crellin – Aye

Brian Dolan – Aye

Brian Dolan - motion carried

Brian Dolan - any other business to bring before the board hearing none, I would entertain a motion to adjourn

James Crellin - so moved

Janet Turner – second

Brian Dolan - all those in favor say aye

James Crellin- aye

Janet Turner – aye

Roger Thomson – aye

Steve Crawford – aye

Brian Dolan – aye Motion carried

7:25:00