

Minutes

Board of Adjustment

March 28, 2017

These minutes are not verbatim

James Crellin: I like to call the March 28, 2017 meeting of the Board of Adjustment to order at 7 PM. Let's have a roll call of members starting on my right, please.

Brian Dolan – here

Roger Thomson – here

Shannon Carmean – Burton - on behalf of Seth Thompson here

Jim Crellin – here

Steve Crawford – here

Janet Turner – here

James Crellin - Are there any additions to or corrections to the agenda? May have a motion to accept the agenda as present.

Roger Thomson - So moved

Brian Dolan – second

James Crellin - all those in favor signify by saying aye

James Crellin – Aye

Brian Dolan – Aye

Roger Thomson – Aye

Steve Crawford – Aye

Janet Turner – Aye

James Crellin - Motion carried

James Crellin - the Applicant, Prairie Dog, LLC is requesting approval for variance from the minimum required first floor elevation in a special flood hazard zone for a dwelling located within the Historic District in accordance with Chapter 125. Floodplain management, Article IV, Requirements in all Special Flood Hazard Areas, § 125 – 23 Historic Structures and Article VI. Variances, § 125 – 31. The property is located at 207 Union Street further identified by Sussex County tax map and parcel ID # 235 – 14.19 – 173.

John Collier - for the record Mr. Chairman, the applicant has completed the required mailings and the required advertisement has been done as well

James Crellin - Would the parties here. Please identify themselves

Rhett Ruggerio – representing Prairie Dog, LLC

Michael Purnell - representing Oak Construction, project designers

James Crellin - And there are no other parties representing the application nor are there any parties present either for or against the request. Applicant, would you please present your case.

Michael Purnell - okay to keep it simple. The base flood elevation is just above the existing floor. The request is to allow for building at the existing floor level in order to retain the contributing status of the building within the Historic District.

James Crellin - Any questions from the board on this matter?

Brian Dolan - How far below the flood level is existing floor?

Michael Purnell - The existing floor is approximately 3 inches below the base flood elevation. If required to meet flood regulations. The new floor elevation would have to be 18 inches above the base flood elevation. This would require raising the floor of the building approximately 21 inches.

Brian Dolan - And you're proposing replacing an existing rear addition of the home.

Michael Purnell - Yes, and to have to build it to floodplain requirements would increase the height 18 inches and damage the contributing status of the building to the Historic District.

John Collier - if I may, for the record, please. First of all what they're proposing is not really an addition but actually what is being proposed is to restore a portion of the home within its existing footprint that was previously determined by the Historic Preservation Commission as being beyond repair and thereby demolition of that section of the house was permitted. I distributed this evening documents from employees of the State Historic Preservation Office that reinforce what these gentlemen are proposing. Should this structure lose its contributing status it would negate the ability for the present or future owners to apply for and receive potential State and Federal Tax Credits for rehabilitation. The other instance that comes into play, which I had not discussed at any length of these gentlemen is should their costs exceed a certain threshold. It would trigger the need to bring the entire structure in compliance with floodplain regulations. This might entail the entire home having to be raised and setback deeper on the lot primarily because it sits close to the sidewalk now and in order to put in a set of code compliance steps to reach the new higher home a deeper setback would be required. Again, further impacting the structure's contributing status. I personally believe it is important that structures within the historic District be given every opportunity to maintain their contributing status. Please do not consider this statement to be implying what the board's final decision is.

Brian Dolan - New structure, how far down as the foundation?

Michael Purnell - the bottom of the footer is 24 inches below the existing grade. There is approximately a 24 inch vertical drop in the ground elevation from the front of the structure to the rear.

Brian Dolan - in the event on flood with the existing floor being 3 inches below the base flood elevation, what impact would flooding have on the structure? Once the floodwaters had receded what impact would you expect?

Michael Purnell - I would imagine it would be much like the same type issues you would have if you water line break. You would have to replace or clean up the carpet, replace insulation in the crawl, and possibly replace a portion of the drywall if it's impacted by water damage. All in all relatively minor.

John Collier - again, I would like to clarify for the record you received in your packet. An aerial photograph showing the relationship of the structure to the floodplain. As you will note a very small portion of the structure actually exists within the hundred year floodplain. Regulations require that any structure with a portion of it within the floodplain should be treated as if the entire structure was in the floodplain.

Janet Turner - I get a copy of that in my packet.

John Collier - as you look very photograph you will see the subject property is in with the box drawn on the photo the blue area represents the hundred year floodplain. The Brown area represents the 500 year floodplain and you may see very clearly that very little of the house is within the boundaries of hundred year floodplain.

John Collier - I have one question for the applicant. In your design, did you consider the installation of flood vents in the foundation?

Michael Purnell - yes, there will be flood vents in the foundation.

James Crellin - When was the last time floodwaters actually got that high?

John Collier - probably 1962, but I'm unable to verify that because I was not here. In 1962, there were significant flooding in that area of town as a result of the northeaster. The most recent flood event of any significance in town was a result of hurricane Sandy and at that time, water did not reach the foundation of the home.

James Crellin - Any other questions?

Janet Turner - I am just one question. It's a little difficult for me because I just can't visualize one part of the house is going to be elevated to match with the floor of the other part.

Michael Purnell - We are seeking a variance to match the rebuilt portion with the remainder of the existing structure. FEMA codes would require the renovated addition to be 18 inches higher.

Janet Turner - so what the proposal is just to clarify this because I can't visualize it. You would be balancing them?

Michael Purnell - No, we would be leaving the existing floor elevation as is and rebuilding the rear portion to match.

Janet Turner - So does that mean it would have to be higher or deeper?

Michael Purnell – No, what it means is it has to be lower than the existing base flood elevation. The variance would allow us to build it just below the flood elevation and maintain its contributing status to the historic District.

Janet Turner- so the existing structure is below the base flood elevation

Michael Purnell - yes it is 3 inches below the base flood elevation.

Janet Turner - Thank you. That explains it.

James Crellin - Any further questions?

Shannon Carmean-Burton -Do you believe that the enforcement of this Chapter 125 would result in an unnecessary hardship to you?

Michael Purnell - while I don't know if I can answer that because the definition of the hardship and what I understand from reading it is that it cannot be a financial hardship. The hardship is the loss of the historical significance of the structure and what that entails. If it's not maintained. Maybe Mr. Ruggerio might be able to add a little bit more to that but I think that's the basis of it is the historical significance. It's trying to maintain a historical significance and eligibility for the potential tax credits that go with that.

Rhett Ruggerio - I believe you've described that fairly accurately.

Shannon Carmean-Burton - and that historical significance is important to you as a property owner as well, as the community.

Michael Purnell – I believe that it is important to the community as they have a Historical District and they are trying to promote that with the available tax credits. Personally, I appreciate the Historical District. My family is from Sussex County for many generations and we certainly appreciate its history. Mr. Ruggerio has the same appreciation.

Rhett Ruggerio - yes, I've already had the opportunity to work with the Historic Preservation Commission and one of the things that they were very interested in was seeing the house restored to its original configuration as much as possible. We went through one design submission that wasn't really loved by the Commission, however, they did approve it, but now what we're proposing is much closer to restoring it to its original design.

Michael Purnell - I don't know if you've had the opportunity to see the drawings, but it certainly is much more in character with the surrounding homes.

John Collier - It does match the original footprint which is one of the issues that was important to the Historic Preservation Commission and also completes its eligibility for potential tax credits.

Michael Purnell - yes, it matches that also the design, style and trim elements are very close to the original. When it is what it is completed, it should look like it's always been there.

John Collier - if anyone is unsure of the location, It's two doors down from Chandler Street.

Brian Dolan - Someone proposed it be a restaurant one time.

James Crellin - Any more questions?

James Crellin - At 7:15 we will close the public hearing and begin deliberations.

Brian Dolan - I don't believe any materials or anything from this construction will have any adverse impact on the adjacent properties. I do believe that there is some slight risk that 100 year flood event might encroach slightly on this property, but I believe that chances small. I believe it's important to maintain the Historic District and to reconstitute what's there and that weighs in favor. I don't believe there's another alternative location would be suitable. I think that the proposed building is compatible with the existing buildings in the area. I believe it's consistent with the copper and zoning plan, although I didn't hear anything offered to that effect. I think there would be a hardship to the owner, certainly the financial hardship if they had to totally redesign the house and lost their ability to receive tax credit for rehabilitation.

Roger Thomson - I looked up 100 year flood event and found that there was only 1% chance of that event occurring in 100 years and a 500 year is a .2% chance of flooding. I've been here 11 years and I've seen water floodwaters rise multiple times, but I've never seen them get that far up the street. I also noticed on the plan that there is the foundation itself, which is mostly brick and it won't be as much damage. The brick is it would be if it were another type of structure. I also agree with Mr. Dolan that granting this variance would not create the possibility of damage to the surrounding buildings. I don't believe there's any threat to properties or loss of life from erosion. I don't believe that anything would be swept away in any kind of the flooding that might occur there. I think fire rescue can get there without any hindrance. The flood maps were recently updated and I do not know if this property might not have been previously impacted by the floodplain.

John Collier - I'm unable to verify at this time how this property was situated in the floodplain on previous versions of the map.

Roger Thomson – I have no other thoughts and I am in favor of the variance

James Crellin - Ms. Turner

Janet Turner - I don't have any more to say. I believe there's no negative impact to the Town or the Historic District.

James Crellin -You're in favor of it?

Janet Turner – yes

Steve Crawford - I'm in favor of it as well, based on the comments of all of my colleagues. I'm not going to reiterate, but make it short and sweet. I'm in favor of it

James Crellin - I too am in favor of it based on all of the aforementioned comments. The variance is approved

James Crellin- Do I hear a motion to adjourn?

Janet Turner - So moved

Roger Thompson - second

James Crellin - All those in favor signify by aye, then it's unanimous.

Meeting was adjourned at 7:23 PM