



Town of Townsend
Board of Adjustment Public Hearing Minutes
Tuesday, March 28th, 2023, at 4:30 p.m.
Townsend Town Hall 141 Main St., Townsend,
DE 19734 & Via Conference Call

4:30 p.m. Board of Adjustment (BOA) Hearing

- I. Call to Order 4:30 pm
- II. Opening Ceremonies
 - A. Roll Call: Town Engineer E. Van-Otoo, Mayor S. Lobdell, Town Solicitor C. Griffiths, Town Manager A. Tantillo, and Town Clerk M. Rivera.
 - B. Pledge of Allegiance: all present recited the Pledge of Allegiance.
 - C. Recognition of Visitors: Danielle Rankin, Lisa Vanhorn, Henry Glanding, Jamie Moore, Ellen Wolfe, John "Jack" Fitzhugh, Thomas Glanding, Karen Glanding, and Dan Rankin.
 - D. Announcements: none.
- III. Additions and Deletions to published Agenda.
 - A. TS Griffiths advised Case # BA2022-001 is old business and will be removed from the published agenda.
- IV. Public hearing to consider, discuss, and possibly vote on the following application:
 - A. New Business:
 1. BA2023-001- Property owner of 318/320 Main Street seeks a variance to allow for the commercial use space at the front of the building from a pizza shop into two (2) apartments.
 - a. Applicant, Mr. Rankin, confirmed the Pizza business is located on the first level and the above level are apartments. Mr. Rankin explained the business will not be renewing their lease and has reached out to other commercial brokers. Mr. Rankin explained the brokers have raised concern due to parking safety and have advised him to change the space to an apartment.
 - b. Mr. Rankin confirmed the proposed the changes will be done in two phases; first the interior and second will be the exterior.
 - c. TS Griffith requested more information on the existing apartments. Noting, there are also three apartments on the first floor.
 - i. Mrs. Rankin confirmed there is a one-bedroom, a two-bedroom apartment, and a three-bedroom apartment.
 - ii. Mr. Rankin confirmed the property was purchased with tenants occupying the property.



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- iii. Mrs. Rankin confirmed the apartments on the second floor is a two-bedroom and two, three-bedroom apartments.
- iv. Mr. Rankin confirmed there are no parking assignments; however, will rework the parking lot to address. Mrs. Rankin noted there is off-street parking and driveway parking available.
 - Mrs. Rankin confirmed there are approximately nine parking spaces.
 - TS Griffiths noted there are currently six apartment units.
- v. Mrs. Rankin confirmed the Pizza business' lease will be ending in May or June.
- vi. Mrs. Rankin confirmed interior work will begin right away if the variance is approved. Mr. Rankin confirmed the timeframe for the work to be completed will be within four to five months with approved permits; depending on the season. Furthermore, they are proposed to expect tenants in one year.
- vii. TS Griffiths requested clarification on who advised the applicants against continuing commercial use of the business unit.
 - Mr. Rankin confirmed he received this advice from several brokers.
- viii. Mayor Lobdell request clarification regarding the parking concerns mentioned.
 - Mr. Rankin advised he has received concerns from restaurant customers and residents. Clarifying, the concerns were never between the residents.
- ix. TS Griffiths requested confirmation from the Town Manager if there were any other rental properties similar to the applicants.
 - TM Tantillo confirmed 588 Railroad Avenue.
 - Mr. Rankin reported there is another duplex on Railroad Avenue but is unaware of the address.
- x. TS Griffiths requested the applicants to advise the BOA of their plans for the current business windows.



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- Mr. Rankin confirmed the windows are for commercial use and are large. Mr. Rankin advised the windows will be changed to residential windows. Mr. Rankin explained a temporary egress would be installed while exterior is being updated.
- xi. TS Griffiths requested confirmation of who owns the parking.
 - Mr. Rankin confirmed they own the parking lot on the property that sides Commerce Street side.
 - TE Van-Otoo and Mayor Lobdell confirmed DeIDOT (Delaware Department of Transportation) own the street parking fronting the owner's property.
- xii. TS Griffiths requested confirmation on how trash is currently managed.
 - Mrs. Rankin confirmed there is no recycling provided by GFL; however, all units have trash bins.
 - Mrs. Rankin advised they will add two more trash cans.
 - Mr. Rankin advised they will install an enclosed trash location.
- xiii. TS Griffiths requested the applicant to provide their reasoning for how they meet the special conditions for practical difficulties.
 - Mr. Rankin confirmed with their opening statement the difficulty of operating a business with evening hours generates a lot of traffic. Noting, the business across Main Street seems to be successful with a lot of traffic.
 - Mrs. Rankin advised if the restaurant was busy, they would have issues with parking. Additionally, the business is an eat in restaurant and if filled to the maximum capacity there would be no parking available.
 - Mr. Rankin noted people park in the Post Office parking lot after hours and walk across the street which raises a concern with safety.
- d. TM Tantillo confirmed no comments, nor formal comments have been received from the public.



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- e. TS Griffiths opened the hearing to receive public comment and advised each speaker has a three-minute limit.
 - i. Ellen Wolfe advised she has no issue with what the owners are proposing. Noting, it would be better to fill with an apartment than to have an empty lot.
- f. TS Griffiths closed public comment and opened discussion for the BOA members to begin discussion regarding their decision.
 - i. BOA members expressed concern with parking, noting with more people there would be a requirement for more parking.
 - TS Griffiths referred to Commercial District (C) under section B, subsection j.
 - ii. TS Griffiths noted the applicants has spoken to a few advisors who have advised against adding another business.
 - iii. Mrs. Rankin confirmed the lease states that there are two parking spots assigned to each apartment for a total of 12 parking spaces.
 - TS Griffiths noted the three street parking spaces are public spaces.
 - iv. TS Griffiths requested the number of advisors that the applicants reached out to.
 - Mr. Rankin confirmed only two advisors were spoken to.
 - v. Mr. Rankin thanked the residents for their kind words. Mr. Rankin advised that he and Mrs. Rankin strive to obtain good tenants. Noting, after tenants have left, they have renovated the properties.
 - vi. TS Griffiths opened the hearing for BOA members to state their:
 - TE Van-Otoo voted in favor of the variance for the following reasons:
 - Parking concerns have addressed at this point.
 - Trash bin relocation has been confirmed.
 - A majority of the building is already tenant occupied;



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therefore, this does not change the intent of the business.

- Mayor Lobdell voted in favor of variance for the following reasons:
 - There are already tenants in place. Noting, given the existing use the proposed makes sense. Additionally, once completed the property will be a valuable asset to the community.
- TS Griffiths voted in favor of the variance for the following reasons and noted mailing can be addressed during permitting:
 - There is no character change.
 - The owners addressed parking and trash concerns.

V. Other business

A. Adjourn

1. *Mayor Lobdell motioned to adjourn the meeting. TE Van-Otoo seconded the motion. Voice vote of BOA members: all yea's.*
 - a. Meeting adjourned at 5:02 pm.

B. Meeting reconvened at 5:04 pm to address a question from the public:

1. TS Griffiths advised the applicant for Case # BA2022-001 requested a continuance and advised they would not be presenting today.
 - a. Ms. Moore raised concerns with the applicant requesting continuances moving forward.
 - i. TS Griffiths advised the Town will address this matter.
2. *TE Van-Otoo motioned to adjourn the meeting. Mayor Lobdell seconded the motion. Voice vote of BOA members: all yea's.*
 - a. Meeting adjourned at 5:08 pm.