



Town of Townsend
Board of Adjustment Public Hearing Minutes
Wednesday, November 2, 2022, at 4:30 p. m.
Townsend Town Hall 141 Main St., Townsend,
DE 19734 & Via Conference Call

4:30 p.m. Board of Adjustment Hearing

I. Call to Order: 4:30 p.m.

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: Jamie Moore, Lisa VanHorn, Henry Glanding, Madeline Joines, Esther Glanding, Harry Jennings, Theodore Forest, Eppie Forest, Andrew White, and Becky Kiersznowski. Via zoom: Ellen Wolfe and Steve Seidman.
- D. Announcements: none.

III. Additions and Deletions to published Agenda.

- A. *Mayor Lobdell motioned to approve the agenda. TE Van-Otoo seconded the motion. Voice vote of BOA members: all yea's.*
 - 1. BOA members adopted the published agenda as written.

IV. Public hearing to consider, discuss, and possibly vote on the following application:

- A. BA2022-001- Homeowner of 571 Walnut St. has requested a variance to change the zoning use of the property from residential to commercial.
 - 1. Mr. Jennings presented on behalf of Townsend Real Estate and Business Development, owner of 571 Walnut Street. Mr. Jennings explained he would like to utilize the property for storage and requests for the property to be used as commercial flex space instead of residential. Mr. Jennings noted there are commercial properties across and surrounding the property. Mr. Jennings advised they would like to demolish the current house on the property and install another pole building like the existing pole building to be utilized for storage only.
 - 2. Mr. Jennings stated with the price of construction, the cost to install a residential home at this property would narrow their profit for sale or as a rental.
 - 3. Mr. Jennings stated the property is unique because it is across from a commercial property. Additionally, the building was previously used commercially.
 - 4. Mr. Jennings confirmed the current house is uninhabitable and is an eyesore. Furthermore, the existing building already looks commercial. Mr. Jennings advised the property would generate low traffic.
 - 5. Mr. Jennings confirmed the storage would be used for personal business use and storage rental for associated businesses.



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6. Mr. Jennings confirmed he has authority to represent the owner Townsend Real Estate and Business Development LLC.
7. TS Griffiths confirmed the variance request is for the use change requested of storage. TS Griffiths explained that rezoning would require PLUS (Preliminary Land Use Services) review and Council's approval via ordinance. TS Griffiths advised a use variance approval would specify the type of use requested and may add additional restrictions.
8. Mr. Jennings confirmed the intent is to demolish the current home and build another pole barn exactly like the existing one. Mr. Jennings advised the pole barns are not made for residential use.
9. Mr. Jennings advised the pole barn would be utilized during normal business hours and would be safely secured.
10. TS Griffiths opened public comment advising each speaker has three minutes to speak:
 - a. Ms. Moore advised most of the surrounding properties are residential and raised a concern for parking and traffic. Ms. Moore noted there is already a concern with parking.
 - b. Ms. Glanding raised concern about having another commercial property in a residential area.
 - c. Ms. VanHorn raised concern about fencing and traffic patterns.
 - d. Mr. Glanding raised concerns about parking.
 - e. Mr. Seidman and Ms. Wolfe advised they would not like to see another commercial establishment and raised concerns about property value. Furthermore, it would be an eyesore.
11. The BOA members discussed amongst themselves publicly:
 - a. TE Van-Otoo raised concern for the property being in between residential districts.
 - b. TS Griffiths confirmed permits may be required in addition to variance requests.
 - c. TS Griffiths confirmed the Town Manager would be responsible for determining any items related to the Town Code. TS Griffiths advised the BOA may set restrictions to lighting, require fences, and other reasonable items.
 - d. The BOA discussed the commercial uses applicable if commercial use is granted.
 - e. TS Griffiths raised concerns regarding the economic feasibility requirement stating the applicant has not provided reasonable evidence.
12. The BOA requested the applicant to return with more information such as a sketch plan, so that the proper use may be defined.
13. Mr. Jennings agreed to close the case for a continuance.



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- B. BA2022-002- Homeowner of 307 Main St. has requested a variance to change the zoning use of the property from commercial to residential.
1. Ms. Forest, owner of 307 Main Street, advised the property was purchased as residential. However, it has come to their attention that the property is zoned commercial after renovations have been completed.
 2. Mr. White, real estate agent for the applicant, advised this is the first he has ever come across a commercial property outside of a commercial district. Furthermore, the property appears to be residential on the outside and inside. Additionally, the surrounding properties are also residential.
 3. Mr. Forest explained when his mother purchased the home their intent was to keep the character of the house and of the surrounding area. Mr. Forest confirmed they are under contract with a prospective buyer; however, the buyers are unable to obtain a residential loan and they would like to use the property for residential properties.
 4. TS Griffiths opened public comment:
 - a. Mrs. Kiersznowski advised she has lived next door to the property for 20 years and the previous owners also lived at the property. Mrs. Kierznowski explained the previous owners ran a funeral home and with her permission would utilize her driveway as overflow. Mrs. Kierznowski expressed her support for the zoning use change.
 5. The BOA members discussed amongst themselves publicly:
 - a. Mayor Lobdell clarified if approved, the zoning would remain commercial; however, the property may be used for residential purposes.
 - b. TS Griffiths stated the applicant may face unnecessary hardship for running a business based on the current zoning code.
 - c. TS Griffiths stated the property is unique in its previous use as a funeral home and burrowed parking from the neighbors
 - d. TS Griffiths stated the use sought does not change the essential character of the neighborhood.
 - e. TS Griffiths advised the owners may face difficulty running a commercial establishment at the property. Additionally, it does not appear that residents would want a commercial property within the residential area. TE Van-Otoo and Mayor Lobdell agreed with TS Griffiths statements.
 6. BOA voted unanimously in favor of the owners of 307 Main Street:
 - a. TE Van-Otoo voted in favor of the variance as it is in the area where most of the building are residential. Additionally, it will fit the character and content of the neighborhood which would add value to the Town. Furthermore, there is hardship that would be remedied with a variance.
 - b. Mayor Lobdell voted in favor of the variance for similar reasons as stated by TE Van-Otoo.
 - c. TS Griffiths voted in favor of the variance as discussed with other BOA members.



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V. Other business

VI. Adjourn at 7:00 pm

- A. *TS Griffiths motioned to adjourn. Mayor Lobdell seconded the motion. Voice vote of BOA members: all yea's.*
1. BOA meeting adjourned at 5:40 p.m.

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