

**BOARD OF ADJUSTMENT MEETING
CITY OF REHOBOTH BEACH**

September 24, 2012

The Board of Adjustment Meeting of the City of Rehoboth Beach, was called to order at 7:00 p.m. by Chairman Thomas Evans on Monday, September 24, 2012 in the Commissioners Room in City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE.

ROLL CALL

Present: Mr. Doug Popham
Ms. Myrna Kelley
Mr. Thomas Evans
Mr. Frank Cooper

Absent: Mr. Clifton Hilderley

Also in attendance: Mr. Craig Karsnitz, Esq., Board of Adjustment Solicitor

A quorum was present.

CORRESPONDENCE

There was none.

APPROVAL OF MINUTES

Minutes of the June 25, 2012 Board of Adjustment meeting were distributed prior to the meeting.

Ms. Myrna Kelley made a motion, seconded by Mr. Frank Cooper, to approve the minutes of June 25, 2012 meeting as written. Motion carried unanimously.

OLD BUSINESS

There was none.

NEW BUSINESS

Case No. 0812-06. A REQUEST FOR VARIANCE in regard to Section 270-50(B) of the Municipal Code of Rehoboth Beach to extend the north side of a legal non-conforming accessory structure one-half inch farther north into the rear yard and to extend the west side of the structure two and one-quarter inches x ten feet into the rear yard. The property is located in the R-2 Zoning District at 29 Olive Avenue on Lot Nos. 27 & 29 Olive Avenue. The Variance is being requested by Bruce Geyer of 29 Olive Revex LLC, owner of the property. Chairman Evans read the reasons for granting a Variance from Section 270-74(C) of the Zoning Code and noted the Public Hearing procedures for this case.

Building Inspector Terri Sullivan gave her report with exhibits. The Applicant has requested a variance to allow them to tear off the existing stucco on the northerly side of "House No. 2" and replace it with new stucco. Since the replacement material that meets new construction standards is thicker, the Applicant must encroach into the setback by an additional one-half inch for the entire length of the building. On the westerly side (First Street side) of "House No. 2" the Applicant has proposed to add a stone veneer. This will encroach into the northerly setback by two and one-half inches x ten feet (the width of the setback).

Mr. Bob Clendaniel, primary architect, represented the Applicant and provided testimony in support of the Variance. The hardship would be that if the existing finish is removed, anything installed would be thicker. More of a variance on the front side is being requested for aesthetic reasons. The Applicant would like to keep the primary house and house no. 2 similar in looks. Mr. Clendaniel explained the process for installing the new finish.

There was no correspondence.

Public Comment:

1. Mr. Dan Miller, Olive Avenue asked what the final intentions are for the property.

Mr. Clendaniel noted that the porch will be retained and almost all of the first floor additions to the main house will be demolished and rebuilt.

2. Mr. Robert Bordman, 32 Virginia Avenue – in support of.
3. Ms. Kitty Cole, 37 Olive Avenue, asked what the size of the lot is and how many buildings will be located on the lot.

Ms. Sullivan noted that the size of the lot is 7,500 square feet and there are two existing buildings located on the lot that will remain. An addition to the house is proposed along with a swimming pool.

Mr. Cooper made a motion, seconded by Ms. Kelley to grant the Variance as requested. (Cooper – for. The intention is to improve the neighborhood. The only neighbor to address an opinion on it agrees with the variance. Hardship has been demonstrated by the current position of the building, and this is a nominal repair, more than just an addition. It meets all the standards. Evans – for. Technologies change, and the standard for applying similar finishes has changed and increases the required allowances for space. It is minimal and that is the hardship which has been demonstrated. Kelley – for. It is obviously in need of repair, and this will do it up to current construction standards. Popham – for. The Applicant is not changing the footprint of the structure. In walking by, the average person will not pick up on two inches.) Motion carried unanimously.

OTHER BUSINESS

Consideration of date for Board of Adjustment Meeting to be held in December 2012.

The consensus of the Board was for the meeting to be held on December 10, 2012.

There being no further business, Chairman Evans declared the meeting adjourned at 7:28 p.m.

Respectfully submitted,

(Ann M. Womack, CMC, City Secretary)

**MINUTES APPROVED ON
NOVEMBER 26, 2012**

(Thomas A. Evans, Chairman)