CITY OF DOVER
BOARD OF ADJUSTMENT MINUTES
April 15, 2015

A Regular Meeting of the City of Dover Board of Adjustment was held on Wednesday, April 15, 2015 at 9:00 A.M. with Chairman Sheth presiding. Members present were Mr. Hufnal, Colonel Ericson, Mr. Keller, Mr. Senato, and Chairman Sheth.

Staff members present were Mrs. Townshend, Mrs. Purnell, Mr. Cook and City Solicitor Nick Rodriguez.

APPROVAL OF AGENDA

Mr. Hufnal moved to approve the agenda as submitted, seconded by Mr. Senato and unanimously carried 5-0.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF MARCH 18, 2015

Mr. Keller moved to approve the meeting minutes of March 18, 2015 with the necessary correction, seconded by Mr. Hufnal and unanimously carried 5-0.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATION

Mrs. Townshend, Director of Planning and Community Development stated that the meeting would be conducted in accordance with the agenda. There is one item (new application) on the agenda under New Business. The application file will be read, and the floor will be opened for questions of the applicant by the Board and for public testimony. If the Board needs to consult the City Solicitor they will adjourn to discuss legal matters. If the applicant must leave, they can contact the Planning Office at 736-7196 to learn of the Board's decision. A formal notice of the decision will be mailed to the applicants. Approved variances expire after one year if the approved project has not commenced.

All public notice for the new application on the agenda today was completed in accordance with code requirements. The meeting agenda was posted in accordance with Freedom of Information Act requirements.

NEW BUSINESS

Applicant #V-15-07

74 Laurel Drive. Thomas Bugbee and Sherrill Brekke have applied to the Board of Adjustment for a variance from the requirements of Article 5 § 11.211 (c) of the *Zoning Ordinance* pertaining to new residential construction within the flood hazard area. They have specifically requested to build to the six (6) foot contour. Subject property is zoned R-10 (One Family Residence Zone). The Tax Parcel is ED-05-077.14-01-32.00-000. The owners of record are Thomas J. Bugbee and Sherrill L. Brekke. *Variance #V-14-05 was approved by the Board of Adjustment at its meeting of March 19, 2014. The variance expired because construction did not commence.*

Mrs. Ann Marie Townshend Exhibits for the record: Staff Report and plans submitted by the

applicant.

The legal notice was published in the Delaware State News on April 5, 2015, and the public was notified in accordance with the regulations.

Mrs. Townshend gave a brief overview of the application.

Chairman Sheth questioned if there was any member present who had a conflict of interest and there was none.

Representative: Mr. Thomas Bugbee & Sherrill Brekke

Mr. Thomas Bugbee and Ms. Sherrill Brekke were sworn in by Mr. Rodriguez.

Responding to Chairman Sheth's question whether there were any changes since the last time, Mr. Bugbee stated no. They did not complete everything necessary in order to start construction which included selling their current house. They have a builder and the process took longer than anticipated.

Responding to Mr. Keller's question whether there was a projected start date and if the construction would start this year, Mr. Bugbee stated that he did not have a projected start date, but the project would start this year. They are still in the process of selling their home. They had their home up for sale, but it did not sell. It was taken off the market and they had plans to rent the home. Upon going to CNB Bank they were not able to get that type of financing and therefore had to put the home back up for sale through a realtor. The delay is due to the applicant's principal home not being sold.

Mr. Keller questioned Exhibit D that was included in the packet if the request was to allow the construction to take place back to the 6 foot contour line, Mrs. Townshend concurred.

Mr. Keller questioned the variance application exhibit, which cites as though there is a Step 2 to reduce the 25 foot yard setback. He recalled that there were questions regarding the front yard setback as well as the width of the roadway, and that the 25 foot yard setback was not an issue with the allowance of the house being allowed to be built farther from the roadway. While included in the packet, the application does not relate to the 25 foot yard setback issue.

Mrs. Townshend stated that these are the materials that had been submitted with previous applications. There are Deed Restrictions with a 35 foot yard setback, but that was relaxed to allow the 25 foot yard setback. The proposed construction would not encroach into the 25 foot yard setback. It is truly the flood plain issue that is being reviewed by the Board.

Mr. Keller also stated that on Exhibit B that was submitted by Scott Engineering and using their scale it appears that this is a projected possible site for the dwelling itself, that it is at the 25 foot line and not encroaching closer than that, Mrs. Townshend concurred.

Chairman Sheth questioned if there was any member present who had a conflict of interest with the case and there was none.

Chairman Sheth opened a public hearing and after seeing no one wishing to speak closed the public hearing.

Chairman Sheth questioned if there was any additional correspondence for the record. There was none.

Chairman Sheth asked if there were any questions.

Colonel Ericson moved to approve application V-15-07 based upon all of the previous reasons that have been presented and in light of the applicant delay to reapprove the variance to include Staff recommendations and Advisory Comments in full to the applicant. Mr. Senato seconded the motion and unanimously carried 5-0.

Mr. Senato moved to adjourn the meeting, seconded by Mr. Keller and unanimously carried 5-0.

Meeting adjourned at 9:18 A.M.

Sincerely,

Maretta Savage-Purnell
Secretary