

**DELAWARE BOARD OF ADJUSTMENTS**  
**October 23, 2018**

The scheduled meeting for the Delaware Board of Adjustments was held on October 23, 2018 at Town Hall. Those in attendance were Mayor Houlihan, Director of Public Works Jerome Reid, Town Attorney James Waehler, Attorney Rebecca Trebillis, Community Development Coordinator Hardin, Planning and Zoning Chairman Boyan and Clerk of Council Fisher. Guests: Blair Carey.

***Called To Order***

Mayor Houlihan called the meeting to order.

***Approval of Minutes***

Director of Public Works Jerome Reid made a motion to approve the July, 2018 minutes as circulated. Town Attorney Waehler seconded the motion which passed with 3 ayes and 0 absent.

***New Business***

Mayor Houlihan informed everyone that the Board of Adjustments consist of 3 members; himself, the Mayor of Delmar, Delaware, the Director of Public Works, Jerome Reid and the Town Attorney, Jim Waehler. Also in attendance is an Associate Attorney from Jim Waehler's Office; Rebecca Trifillis, Planning and Zoning Chairman Bill Boyan, the Community Development Coordinator William Hardin and the Clerk of Council, Cindy Fisher, taking and recording the minutes for this hearing.

Mayor Houlihan said that this is a Public Hearing which has been advertised in a newspaper of local circulation and was posted on the property to be discussed this evening. Mayor Houlihan read the Public Hearing Notice as it appeared in the newspaper. He asked for anyone who would be offering testimony at this meeting to stand and be sworn in by the Town Attorney. Town Attorney swore in P&Z Chairman Boyan, CDC Hardin and the applicant, Blair Carey.

Blair Carey introduced himself as the owner of Underbite Properties, which owns Lot 88A on Lincoln Avenue, Delmar, DE. He said that he had thought that this was taken care of the first time he came before the Board of Adjustments in April for this property, but it was not included in the application. He asked for and was granted a variance for the front setback for this house but not for the special exception to build the single family house in a Commercial Zoning District. The Planning and Zoning Commission gave a favorable recommendation for the elevation and the Board of Adjustments have already approved the variance for the setback for this home.

Mr. Carey continued by informing the Board that the house across the street is a two-storied home and the street has varied home styles all along it. The house next door, which he restored, is a bungalow style home and he wants to do a single story right next to it.

He feels that the proposed house will be in character with the rest of the homes in the neighborhood. The proposed elevation provides for off-street parking to the left of the house and will have a drive-way space.

Town Attorney Waehler stated that Mr. Carey was required to provide off-street parking spaces and the driveway would be either concrete or asphalt.

Mayor Houlihan said that at the last Public Hearing, one of the founders of Harvest Ministries was concerned based on the inconvenience of parking on the street during the food handouts on Tuesdays.

Mr. Waehler said that in a special exception hearing, it is the responsibility of the applicant to meet the standards set forth in the Zoning Code.

One of the standards is that the proposed house does not adversely affect the Town's Comprehensive Plan for physical development. Community Development Coordinator Hardin stated that the proposed house does fit in the Comprehensive Plan and on the rest of the street are single family dwellings.

Town Attorney Waehler asked that the next standard of minimizing possible adverse effects on the surrounding area be addressed. Mr. Cary said that he would be building something on the property that will enhance the street and whole area. He said that he bought the rundown house next door that was abandoned for at least 7 years and always had a blue tarp on it and did a major renovation in which someone has bought and moved into. Mr. Carey said that the grading on the property will be so that drainage is not a problem and he also will be removing an old shed that is still on the property.

Town Attorney Waehler said that the house will meet all the setback requirements except for the front. The Board of Adjustments granted a variance request so that the house will sit back 20 ft. so that it matches the rest of the houses on the street.

Town Attorney Waehler asked if Mr. Carey had spoken with the neighbors to get their view on what he is proposing. Mr. Carey said that he spoke with the neighbors that bought the house that he remodeled and showed them his plans for this property and they had no objections. He spoke with Ron Barlow, the neighbor on the other side and he also did not have a problem with the proposed house build.

Mr. Carey stated that he feels that building a home and bringing another family to Delmar enhances not only the corner of Lincoln Avenue but the whole Town.

Mayor Houlihan said that this build will finish off that area and will reflect positively on the area. He said that Mr. Cary did an outstanding job on the remodel. It is an area that buses drive by going back and forth bringing the kids to and from school. Town Attorney Waehler asked if there is a need for another house in Delmar. Mr. Carey responded that you can't have enough homes in Delmar.

There was no one in the audience, outside of the Chairman of Planning and Zoning that was present to speak either in favor of or against the proposed Special Exception for the house build.

Town Attorney Waehler made a motion to approve the Special Exception request for the construction of a single family residential dwelling on Lot 88A, Lincoln Avenue, Delmar, Delaware. The opinion for granting the application is that it complies with the Town's Comprehensive Plan and will be designed to be compatible and in-line with the other properties on the street. The applicant has been praised for other construction projects done in the neighborhood and the proposed dwelling meets all the requirements for the district except for the front setbacks which were granted at a previous Board of Adjustments hearing. Public Works Director Reid concurred with Town Attorney Waehler and seconded the motion. The motion passed with 3 ayes and 0 absent.

***Adjournment***

Town Attorney Waehler made a motion to adjourn which was seconded by Public Works Director Reid. The motion passed with 3 ayes and 0 absent.

Submitted by:

Cindy Fisher  
Clerk of Council