

Delaware Board of Adjustments

March 16, 2010

The scheduled meeting for the Delaware Board of Adjustments was held on March 16, 2010 at Town Hall. Those in attendance were Mayor Outten, Director of Public Works Jerome Reid, Attorney Jim Waehler and Clerk of Council Fisher. Guests: Lou Alberti, Planning and Zoning Chairman Houlihan, Community Development Coordinator Hardin, Code Enforcement Officer Bounds.

Called to Order

Chairman Outten called the meeting to order at 7:30 p.m.

Approval of Minutes

Town Attorney Waehler made a motion to approve the September 15, 2009 minutes as circulated. Public Works Director Reid seconded the motion which passed with 3 ayes and 0 absent.

New Business

Town Attorney Waehler swore in Mr. Lou Alberti for this evening's testimony. He is present to ask for a front variance for his property at 101 W. State Street, Delmar, DE.

The zoning for this piece of property is Office and Services with residential being an inherent use. Mr. Alberti spoke of the other homes in the neighborhood and how they are built close to the street. He has no problem with fitting his house within the allowable setbacks but the Planning and Zoning Commission has asked him to place his house so that it will be in align with the other houses on the street, which would mandate a front setback variance.

There was some discussion of the zoning code for this area. Mr. Alberti informed the Council that even though it is zoned Office and Services, there are approximately 6 homes already built in the area and none of them are at the 20 ft. setback requirement.

He explained that his hardship is that the Planning and Zoning Commission has required him to place his house so that it is in alignment with the other houses on the street and not to follow the requirements for setbacks for this zoning district.

Planning and Zoning Chairman Houlihan reported that the Planning Commission did instruct Mr. Alberti to come before this Board because they wanted to maintain the character of the existing neighborhood. The other houses are right to the road and they felt Mr. Alberti's should be also.

Code Enforcement Bounds stated that maybe the zoning for this area should be re-examined. If it was a residential zone, then the setbacks would have to apply, but it isn't. He also said that the building permit is contingent of the findings of this Board.

Mayor Outten said that he now understands what Mr. Alberti is asking for and why. He said that he has no objection with this house being built so that it is in-line with the other houses in the community. He said that all the other setbacks are fine except for the one for the front.

Town Attorney Waehler made a motion to grant a variance to allow Mr. Lou Alberti to build his house at 101 W. State Street, Delmar, DE. so that it is 13 feet from the street line in order to be in-line with the other houses in the community. Public Works Director Reid seconded the motion which passed with 3 ayes and 0 absent.

Adjournment

Mayor Outten made a motion for adjournment which was seconded and passed with 3 ayes and 0 absent.

Respectfully submitted,

Cindy Fisher
Clerk of Council