

**In The Matter Of:**  
*Town of Fenwick Island*  
*Request for Variance - Robert & Brenda Shelton*

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*Hearing*  
*August 23, 2018*

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*Wilcox & Fetzer, Ltd.*  
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1 THE TOWN OF FENWICK ISLAND  
2  
3 IN RE: :  
4 REQUEST FOR VARIANCE :  
5 ROBERT & BRENDA SHELTON :  
6 5 E. HOUSTON STREET :  
7 FENWICK ISLAND, DELAWARE:  
8  
9 Hearing taken pursuant to  
10 notice at the Roxana Volunteer Fire Company,  
11 35943 Zion Church Road, Frankford, Delaware,  
12 beginning at 2:04 p.m., on Thursday, August  
13 23, 2018, before Gloria M. D'Amore,  
14 Registered Professional Reporter and Notary  
15 Public.  
16  
17 - - -  
18  
19  
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21  
22 WILCOX & FETZER  
23 Registered Professional Reporters  
24 1330 King Street - Wilmington, Delaware 19801  
(302) 655-0477  
www.wilfet.com

1 CHAIRMAN COLLINS: All right.  
2 Let's get started.  
3 The first thing we'll do is  
4 Pledge of Allegiance to the Flag.  
5 All right. The first thing  
6 we'll do is have the Board of Adjustments  
7 Members and the attorney that is representing  
8 the Board introduce themselves.  
9 MR. HUTT: This is David Hutt.  
10 I'm an attorney with Morris James. And this  
11 afternoon I'm representing the Board of  
12 Adjustments.  
13 MR. LAMBERTSON: Craig  
14 Lambertson. I'm a resident of Fenwick Island  
15 for 18 years. And I'm on the Board.  
16 MS. QUINN: Marlene Quinn.  
17 Permanent resident since 2002, I think.  
18 MS. BUNTING: Linda Bunting.  
19 Permanent resident for a long time.  
20 MR. BENN: Richard Benn. I've  
21 been in Fenwick Island since 1999.  
22 CHAIRMAN COLLINS: My name is  
23 Tim Collins. I'm the Chairman of the Board  
24 of Adjustment. I'm also a long-time resident

1 APPEARANCES:  
2  
3 TOWN OF FENWICK ISLAND  
4 BOARD OF ADJUSTMENTS  
5 TIM COLLINS, CHAIRMAN  
6 CRAIG LAMBERTSON, VICE CHAIRMAN  
7 MARLENE QUINN  
8 LINDA BUNTING  
9 RICHARD BENN  
10  
11 DAVID C. HUTT, ESQUIRE  
12 Counsel for Town of Fenwick Island  
13 Board of Adjustments  
14  
15 On behalf of Town of Fenwick Island  
16 TERESA TIEMAN, TOWN MANAGER  
17 PATRICIA SCHUCHMAN, BUILDING OFFICIAL  
18 WILLIAM WEISTLING,  
19 BUILDING COMMITTEE CHAIR  
20  
21 MARY SCHRIDER-FOX, ESQUIRE  
22 Counsel for Town of Fenwick Island  
23  
24 On behalf of Robert and Brenda Shelton  
25 MATTHEW PARSONS  
26 TAMMY SHELTON  
27  
28 - - - - -  
29  
30  
31  
32  
33  
34

1 of Fenwick Island year-round. I'm also a  
2 business owner in Fenwick Island.  
3 The first issue that we're  
4 going to deal with today is a request, which  
5 I'll read you the official notice from the  
6 right book.  
7 Okay. There will be a public  
8 hearing before the Town of Fenwick Island  
9 Board of Adjustments in accordance with  
10 Chapter 160, Zoning, of the Code of the Town  
11 of Fenwick Island, Delaware, on a request for  
12 a variance to the side setbacks at 5 East  
13 Houston, or some people say Houston Street,  
14 also known as 1-34 23.12 194.00, Lot 9,  
15 located within the incorporated limits of the  
16 Town for a 3.4-foot encroachment for the  
17 installation of an elevator.  
18 This hearing will be held on  
19 Thursday, August 23, 2018 at two o'clock.  
20 Interested persons may inspect  
21 the plot plans at Town Hall during Town  
22 business hours, Monday through Friday, 8:00  
23 a.m. to 4:00 p.m.  
24 Pat.

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1 **MS. SCHUCHMAN:** Good afternoon,  
2 everyone.  
3 On July 12, 2018, I sent a  
4 letter to the Board of Adjustments Members  
5 and the contents said, On June 18, 2018, I  
6 received a request from Mr. Greg Hastings of  
7 Hastings Associates, LLC on behalf of Mr. and  
8 Mrs. Robert Shelton, owners of 5 East Houston  
9 Street in Fenwick Island, for a building  
10 permit installation of an elevator to be  
11 installed on east side of the existing house.  
12 Mr. Hastings was informed that  
13 the elevator shaft, which was five-and-a-half  
14 feet by six-and-a-half feet will encroach  
15 into the easterly setback 3.4 feet.  
16 The house was originally  
17 constructed by Resort Pointe Custom Homes,  
18 LLC in 2002 as a spec house and purchased by  
19 Mr. and Mrs. Shelton in 2003.  
20 This request was denied in  
21 accordance with requirements of Chapter  
22 160-4C(3) wherein there shall be a side yard  
23 of not less than seven feet. The owner has  
24 subsequently requested this hearing before

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1 saying you should describe in the packet this  
2 information, I guess.  
3 David, specifically what do you  
4 want, or what are you suggesting?  
5 **MR. HUTT:** Just simply a  
6 general description of materials that are  
7 contained therein.  
8 **MS. SCHUCHMAN:** Okay. I'll do  
9 that. I'll itemize each exhibit right now.  
10 So if everyone is on Page 1.  
11 The change in location of the hearing date is  
12 Exhibit No. 1. That was amended on August 8,  
13 2018.  
14 Exhibit No. 1A is the agenda  
15 for the hearing, this public hearing on a  
16 Request of Variance for Mr. and Mrs. Robert  
17 Shelton and a Request for Variance and Appeal  
18 to Decision of Building Official on Buas  
19 Sands Hotel dated August 6, 2018.  
20 Item No. 2, or Exhibit No. 2,  
21 excuse me, is a change in location of hearing  
22 Legal Notice amended on August 7, 2018.  
23 Exhibit 2A is the Legal  
24 Affidavit that this Notice was posted in the

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1 the Board of Adjustments.  
2 Very truly yours, Pat  
3 Schuchman.  
4 **CHAIRMAN COLLINS:** For the  
5 benefit of everyone, the Board Members all  
6 have packets with the information that Pat  
7 just gave us.  
8 And at this point, before we go  
9 to the application process, I would ask are  
10 there any Board Members that need any  
11 clarification on what Pat just transcribed to  
12 us?  
13 And if not, then, are these  
14 folks represented by an attorney?  
15 Who is making the presentation?  
16 **MS. SCHUCHMAN:** The  
17 presentation will be Matt Parsons on behalf  
18 of Hastings and Associates representing the  
19 Shelton family.  
20 **CHAIRMAN COLLINS:** Okay. Where  
21 is Matt? Where is that gentleman?  
22 **MR. PARSONS:** Right here.  
23 **MR. HUTT:** Describe the packet.  
24 **CHAIRMAN COLLINS:** David is

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1 Coastal Point on August 10th and 17th, 2018.  
2 Exhibit 2B is the sheet that  
3 shows the Legal Notice as it appeared in the  
4 Coastal Point.  
5 Exhibit No. 3 is the Legal  
6 Affidavit of the original Legal Notice before  
7 the hearing was moved to this location.  
8 Exhibit 3A is the Legal Notice  
9 that was posted dated July 12th, July 25th,  
10 excuse me, 2018, showing that the hearing  
11 would have been held at the Town Hall on this  
12 date and time.  
13 Exhibit No. 4 is my letter that  
14 I read into the record earlier.  
15 Exhibit No. 5 are the addresses  
16 of the closest surrounding property owners  
17 who received a copy of the notice in the  
18 mail.  
19 Exhibit No. 6 is the  
20 application for the building permit submitted  
21 on behalf of Robert Shelton.  
22 Exhibit No. 7 is the denial  
23 signed by me saying the elevator shaft is  
24 five-and-a-half feet by six-and-a-half feet

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1 and will encroach into the east side setback  
2 of 3.4 feet. Application denied.  
3 Exhibit No. 8 is the  
4 construction plans done by Hastings and  
5 Associates for the proposed elevator.  
6 Exhibit 8A is the elevation of  
7 the home showing the elevator construction.  
8 Exhibit 8B is the ground floor  
9 plan, first floor plan, second floor plan  
10 showing the construction of the elevator.  
11 Exhibit No. 9 is the survey  
12 done by Simpler Surveying and Associate  
13 showing the location of the elevator on the  
14 easterly rear of the property, of the  
15 building.  
16 Exhibit No. 10 is a letter I  
17 received from Greg Hastings requesting the  
18 hearing, the Board of Adjustments Hearing on  
19 behalf of Mrs. Brenda Shelton.  
20 Exhibit No. 11 is the check I  
21 received.  
22 Exhibit No. 12 is taken from  
23 the Town Code, Chapter 160-4C(3) describing  
24 the setback requirement.

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1 letters -- well, Mrs. Shelton brought two  
2 letters. And Matt will be able to submit  
3 them when he presents.  
4 **CHAIRMAN COLLINS:** So Matt, do  
5 you want to step forward? I think we would  
6 like everyone to come up to the podium, if  
7 you're okay with that.  
8 I do have to technically swear  
9 you in.  
10 Is the testimony you're about  
11 to give true and correct?  
12 **MR. PARSONS:** It is.  
13 **CHAIRMAN COLLINS:** And what is  
14 your capacity in relation to the folks that  
15 are applying for this variance? Are you an  
16 attorney, friend or --  
17 **MR. PARSONS:** I represent GA  
18 Hastings, which is the architect firm that  
19 designed the addition for the Sheltons.  
20 Like I said, my name is Matt  
21 Parsons. I represent GA Hastings, LLC on  
22 behalf of Greg Hastings.  
23 The addition that the Sheltons  
24 do request to have on, like she said, it does

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1 Exhibit No. 13 is a letter  
2 received from Kevin Carouge regarding the  
3 allowance of the elevator to encroach in the  
4 setback. He is opposed to it.  
5 Exhibit No. 14 should not be in  
6 there.  
7 **CHAIRMAN COLLINS:** That is  
8 applicable to the hearing.  
9 **MS. SCHUCHMAN:** Yes. It should  
10 not be in here. It should be disregarded.  
11 And Exhibit No. 15 is an E-mail  
12 from Dave Reifschneider, also showing his  
13 opposition to the allowance for the  
14 encroachment and the setback.  
15 Exhibit 15A is Page 2 of that  
16 same E-mail.  
17 That's it.  
18 **CHAIRMAN COLLINS:** After the  
19 packet was put together, was there any other  
20 letters in opposition to this particular  
21 hearing?  
22 **MS. SCHUCHMAN:** In this case,  
23 none.  
24 Matt Parsons did bring two

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1 encroach in the setback by, approximately,  
2 three-and-a-half feet. And we are asking for  
3 variance on that.  
4 With me now I do have two  
5 letters that Ms. Shelton just brought in  
6 today that are not located in your packet.  
7 One is from her doctor stating  
8 that this elevator is necessary for her due  
9 to medical reasons, if you guys would like to  
10 view that, or like me to submit that.  
11 And also, I do have another  
12 letter from her neighbor who the encroachment  
13 and the setback does directly impact, her  
14 neighbor on the east side, stating that this  
15 variance is okay, and they are fine with it.  
16 So if you would like me to  
17 submit that as well. Other than that, like I  
18 said, it does impact, approximately,  
19 three-and-a-half feet. This is the only  
20 place that the elevator can go.  
21 And the reason that we're  
22 asking for this variance is it can  
23 incorporate into the rest of the house. This  
24 house is on pilings. So it is structurally

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1 complicated to get the elevator into the  
2 existing design, which is why we're asking  
3 for this variance for the add-on and the  
4 encroachment into the setback.  
5 Any other questions?  
6 **CHAIRMAN COLLINS:** Well, the  
7 Board Members, if they have any questions  
8 will be the first to ask any questions of  
9 you.  
10 Typically, what comes up when  
11 this type of variance comes before us is --  
12 and I think it might have been indicated in  
13 one of the letters in opposition -- is there  
14 any other alternative to resolve the issue  
15 that is facing this individual in terms of an  
16 elevator? Someone suggested, Well, what  
17 about the elevator types that hang onto the  
18 railings of the stairs that can go up in  
19 different levels. That was one example that  
20 I saw in the letter.  
21 And I think there was a general  
22 question as to whether there is another  
23 alternative.  
24 What is your --

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1 **MR. PARSONS:** So as I stated  
2 earlier, we explored different possibilities  
3 with this. And just because the house is on  
4 pilings, it would be very structurally  
5 complicated to incorporate an elevator into  
6 other parts of the existing house, which is  
7 why we are asking for the addition on the  
8 outside. Yes.  
9 **CHAIRMAN COLLINS:** Well, the  
10 other question I would have to you would be,  
11 again, typically some of what we have  
12 experienced in the past, here's the question,  
13 there is no way that the elevator to  
14 accomplish what you need to have done can  
15 function inside the house? I mean, does it  
16 have to go up through a bedroom or no way it  
17 can be moved into the interior as opposed to  
18 the exterior?  
19 **MR. PARSONS:** So the way that  
20 the interior is designed, there's no way it  
21 can be incorporated into the interior of the  
22 home. One structure -- the way the house is  
23 designed -- it must be added onto the outside  
24 for it to be structurally sound and to also

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1 fit in with the design of the home.  
2 **CHAIRMAN COLLINS:** And you have  
3 a letter that are from the folks, I believe,  
4 that live directly alongside the east side of  
5 this house?  
6 **MR. PARSONS:** Correct.  
7 **CHAIRMAN COLLINS:** And they  
8 have no opposition?  
9 **MR. PARSONS:** No. They have no  
10 opposition.  
11 **CHAIRMAN COLLINS:** And I'm  
12 assuming you have been to the site.  
13 Just describe the surroundings  
14 of that house. Is it a house that is just  
15 sitting on a lot with no vegetation? Is  
16 there vegetation? Is there any ground  
17 coverage there? Is there anything that helps  
18 block the views of that elevator?  
19 **MR. PARSONS:** So actually, if I  
20 may, one of the Sheltons would like to  
21 describe the lot. I think they can do it  
22 more justice than I could.  
23 **MS. SHELTON:** I'm Tammy  
24 Shelton, Brenda's daughter.

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1 To describe what you're asking  
2 about the lot. The way the elevator is  
3 situated, and I believe it is in the plans  
4 that are in your book, it is in the back  
5 corner.  
6 So, actually, the only neighbor  
7 that will be able to see it is Mr. "Curry"  
8 (phonetic) on the other side. And we went to  
9 him even before pursuing this to ensure that  
10 we weren't going to create any issues, any  
11 neighborly issues or anything like that.  
12 As you saw from the letter,  
13 he's fully in support.  
14 In relation to the  
15 surroundings, there are some trees that will  
16 likely need to be trimmed, but not removed.  
17 And the way that the elevator  
18 is positioned in the backside of the house,  
19 it fits into the cut-in for the deck. And it  
20 comes up along the back side and runs along  
21 windows that are already there. So the  
22 windows will go away and be replaced by the  
23 elevator door.  
24 But as far as anything that

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1 would need to be done to the property and the  
2 natural surroundings, it would just be a  
3 matter of trimming of some trees, not any  
4 removal of anything.  
5 **CHAIRMAN COLLINS:** Maybe one  
6 thing you can clarify.  
7 The two letters that I saw in  
8 the packet that were in opposition, in  
9 looking at the addresses, those folks did not  
10 seem to be in the immediate vicinity of where  
11 your house is, or where the house is.  
12 **MS. SHELTON:** That is based on  
13 what I saw, yes, that is correct.  
14 Also to answer your question  
15 about other options where the elevator can be  
16 put. The layout of the stairs in my mother's  
17 house does not accommodate a chair lift. It  
18 has a platform for each section. So you  
19 couldn't have a continuous chair lift going  
20 up.  
21 We are also asking for the  
22 smallest elevator we can get that is handicap  
23 accessible. And just for her to be able to  
24 easily transport groceries and things like

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1 that up and down the stairs.  
2 We also looked at other areas  
3 within the house where we can put an elevator  
4 without asking for a variance. And,  
5 unfortunately, there are no areas because you  
6 need to have an elevator in an area that is  
7 climate controlled. And the way that the  
8 house is set up, there is actually a storage  
9 room that will be utilized for the entrance  
10 of the area that is climate controlled that  
11 can handle the implementation of the  
12 equipment.  
13 **CHAIRMAN COLLINS:** Just to  
14 clarify. It looks to me like one of the  
15 letters of opposition was -- the address was  
16 1006 Bunting Avenue. That is not in the  
17 immediate proximity of your house?  
18 **MR. BENN:** Three blocks away.  
19 **MS. SHELTON:** Three blocks  
20 away.  
21 **CHAIRMAN COLLINS:** Three blocks  
22 away.  
23 **MS. SHELTON:** Thank you, sir.  
24 **CHAIRMAN COLLINS:** I think the

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1 other one --  
2 **MR. BENN:** East Essex.  
3 **CHAIRMAN COLLINS:** He is on  
4 East Essex Street. 8 Essex Street.  
5 **MR. BENN:** Three blocks as  
6 well.  
7 **MS. SHELTON:** And just as a  
8 matter of full disclosure, as I said, we  
9 approached our neighbor early in the process.  
10 He did have a bit of concern initially  
11 because he did not want to do anything to  
12 impact the value of his home and any issues  
13 later on should he sell, things like that.  
14 So we showed him all of our plans. We had  
15 him meet with our architect, Greg. And after  
16 he reviewed all of that and understood what  
17 the elevator was going to look like, what it  
18 was going to do to the elevation, what it was  
19 going to do to the impact to his property and  
20 natural surroundings, he was happy to write  
21 that letter for my mom.  
22 **CHAIRMAN COLLINS:** Can you  
23 and/or the Gentleman that spoke prior, is he  
24 your architect, did you say, or he is with

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1 the --  
2 **MS. SHELTON:** He is the  
3 architect. Yes.  
4 **CHAIRMAN COLLINS:** Just give us  
5 an idea of what this elevator -- I mean, I  
6 saw the sketches -- what the elevator shaft  
7 looks like on the outside of the house, what  
8 the enclosure is? Just tell us in general  
9 how it works?  
10 **MS. SHELTON:** As I said, the  
11 elevator shaft is actually going to sit into  
12 the carve-out that's currently on the back  
13 porch for the deck. And it will be the same  
14 building material that the current house  
15 looks like. So it will look no different  
16 than, let's say, what our fireplace chimney  
17 looks right now with the construction around  
18 it.  
19 I don't think -- am I  
20 forgetting anything, Matt?  
21 **MR. PARSONS:** No.  
22 **MS. SHELTON:** It is nicely  
23 positioned and fits in the back deck area and  
24 runs up the back side of the house. We are

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1 fortunate with that, that we're just having  
2 to replace windows.  
3 **MR. PARSONS:** It's going to  
4 look exactly like the plans that are in your  
5 package. The elevator comes out on the back  
6 side at a 45-degree angle. It looks like a  
7 rectangle and the exterior is made of the  
8 exact siding on the house so it looks  
9 natural. Yes.  
10 **MS. QUINN:** Is there a reason  
11 that, and maybe I missed it, it can't be  
12 squared up to the back instead of  
13 encroaching?  
14 **MS. SHELTON:** The square-up  
15 would actually be a larger encroachment. So  
16 with it sitting at a diagonal, it fits into  
17 the structure.  
18 **MS. QUINN:** Okay.  
19 **MS. SHELTON:** If we were to  
20 square it off, the encroachment would be  
21 larger --  
22 **MS. QUINN:** I meant square off  
23 to where it would be placed off in the back  
24 instead of on the side, back here instead of

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1 on the side. (Indicating.) It can't be here  
2 because --  
3 **MS. SHELTON:** It can't be here  
4 because that's the porch. The area under  
5 this is where the storage area is. And so,  
6 this is the corner of the house. If we were  
7 to square it here, you're looking at an  
8 encroachment. (Indicating.)  
9 **MS. QUINN:** Squaring it here.  
10 (Indicating.)  
11 **MS. SHELTON:** Off the back of  
12 the porch?  
13 **MS. QUINN:** Yes.  
14 **MS. SHELTON:** We would have to  
15 remove pilings and things like that, which is  
16 what Matthew said, with the house being on  
17 the pilings, that is the appropriate spot for  
18 it.  
19 **MS. BUNTING:** I noticed the  
20 HVAC also interferes if you moved it back  
21 here? (Indicating.)  
22 **MS. SHELTON:** Yes. That is  
23 correct. The HVAC is located back there.  
24 (Indicating.)

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1 Thank you.  
2 **CHAIRMAN COLLINS:** Is there  
3 anyone that would like to speak in opposition  
4 to this and/or in favor? If anyone would  
5 like to speak in opposition? Is there anyone  
6 that has any questions regarding what we've  
7 heard so far?  
8 Well, first, let's just  
9 establish, if there is anyone that wants to  
10 speak in opposition or in favor? And if not,  
11 does anyone have any questions of these folks  
12 while they are up front?  
13 **MR. KELLY:** I have a question.  
14 **COURT REPORTER:** Your name,  
15 sir.  
16 **MR. KELLY:** Brian Kelly.  
17 The only question I have is, in  
18 regard to the house itself, it sits within a  
19 building envelope, what are the allowable  
20 distances to the current building envelope  
21 that are available on each side, front, rear,  
22 both sides? What is the space available  
23 before it would encroach into the setbacks?  
24 So how much room is in the front before you

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1 get into the setback? How much room is in  
2 the back before you get in the setback, so  
3 that we can get an indication how much space  
4 is available if the elevator was put there?  
5 Because if you build a whole separate shaft  
6 outside of the current building and go up the  
7 back potentially or maybe on the front, I  
8 don't know the circumstances of your house,  
9 but where is the room within the elevator or  
10 within the envelope, or is the house  
11 completely edge to edge within that envelope  
12 now?  
13 **MR. PARSONS:** Yes. The house  
14 is completely up edge to edge on the setback.  
15 As you can see by the site  
16 plan, we are at our seven foot. So the  
17 three-and-a-half foot that it does stick out  
18 on the side of the building is directly  
19 encroaching into the seven-foot setback.  
20 So that three-and-a-half foot  
21 that's sticking out from the house is exactly  
22 three-and-a-half foot encroaching into the  
23 seven-foot setback. So our house is up about  
24 wall to wall to the seven-foot setback on

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1 each side.  
2 **MR. KELLY:** The front and back?  
3 **MR. PARSONS:** The front and  
4 back as well.  
5 **MR. KELLY:** The building is all  
6 the way up to the front setback --  
7 **MR. PARSONS:** On the rear. On  
8 the rear, it's on the right on the setback.  
9 On the front, there's some room.  
10 **MR. KELLY:** Is that an option  
11 to be placed on the front of the home?  
12 **MR. PARSONS:** So if we do it on  
13 the front of the home, we're still going to  
14 run into the same issue. Structurally and  
15 the pilings and the way that it would have to  
16 be angled would still have an encroachment on  
17 the side setback, as well. Because we  
18 couldn't put it smack dab in the center of  
19 the front of the home.  
20 **MR. KELLY:** I don't have any  
21 other questions.  
22 **CHAIRMAN COLLINS:** Any of the  
23 other Board Members have any questions?  
24 Thank you.

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1 Pat has a question.  
2 **MS. SCHUCHMAN:** Tell us what  
3 the square footage is that will encroach out.  
4 **MR. PARSONS:** I'm sorry.  
5 **MS. SCHUCHMAN:** What is the  
6 square footage of the encroachment? Is it  
7 nine square feet?  
8 **MR. PARSONS:** It should be  
9 about that. It encroaches three-and-a-half  
10 feet. So around nine square feet.  
11 **MS. QUINN:** Say that again,  
12 please.  
13 **MR. PARSONS:** Around nine  
14 square feet. Encroaches three-and-a-half  
15 feet. Nine square feet it encroaches out.  
16 **CHAIRMAN COLLINS:** Thank you.  
17 Any other questions from the  
18 audience?  
19 Okay. At this time, I'll make  
20 a motion to -- The Chairman at that point  
21 will make a motion to accept the variance.  
22 We need a second for that.  
23 **MR. LAMBERTSON:** I'll make a  
24 motion to accept.

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1 **CHAIRMAN COLLINS:** Well, we  
2 need a Board Member, other than the Chairman  
3 to make the motion. The Chairman can't  
4 second.  
5 So we need a Board Member to  
6 make a motion and a Board Member, other than  
7 The Chairman, to second.  
8 **MR. LAMBERTSON:** I'll make a  
9 motion to accept the variance request.  
10 **MS. BUNTING:** I'll second the  
11 motion.  
12 **CHAIRMAN COLLINS:** Is there any  
13 discussion among the Board Members?  
14 Keeping in mind when we vote,  
15 you need to substantiate the reason for your  
16 vote, either in the affirmative or negative.  
17 And if there is no discussion amongst us, we  
18 will vote and explain our vote.  
19 **MR. BENN:** Can I ask one more  
20 question at this time? Can I ask a question  
21 of Pat at this time?  
22 **CHAIRMAN COLLINS:** Yes. I  
23 think you can ask any question.  
24 **MR. BENN:** Pat, is it in your

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1 determination that Mr. Parsons' statement is  
2 correct that structurally that this is  
3 probably the only possible place where this  
4 elevator can go?  
5 **MS. SCHUCHMAN:** I am not a  
6 structural engineer. I can't answer that.  
7 **MR. BENN:** Okay.  
8 **CHAIRMAN COLLINS:** Okay. We  
9 will vote.  
10 Is there any order, David, that  
11 we need to vote? Can I lead off the vote, or  
12 is there any particular order?  
13 **MR. HUTT:** No.  
14 **CHAIRMAN COLLINS:** You can  
15 start.  
16 **MR. LAMBERTSON:** I grant the  
17 request based on the information given and  
18 they're impacting their anybody minimally --  
19 **AUDIENCE MEMBER:** We can't hear  
20 in the back. Get the microphone.  
21 **MR. LAMBERTSON:** I grant the  
22 vote based on -- I grant the vote based on  
23 them minimally impacting their neighbor and  
24 the neighbor that is impacted does not



1 disagree with this.  
2 **CHAIRMAN COLLINS:** I also  
3 approve the request for the variance. I  
4 think they have demonstrated that it's an  
5 exceptional practical difficulty.  
6 I think one of the keys in this  
7 type of request is the impact on the  
8 neighbors' neighboring property. We really  
9 have not heard anything negative there. And  
10 we've also had an adjoining neighbor confirm  
11 that they are okay with this.  
12 And I think it has minimal  
13 impact on the community and does not create  
14 any problems for anyone else.  
15 **MR. QUINN:** I also vote yes. I  
16 was hoping there would be another place to  
17 put it. I'm not a building contractor. So I  
18 don't know that there is no other place. So  
19 I have to take your word that that's the only  
20 way to do it. And I would not like to have  
21 someone not be able to enjoy their lovely  
22 home in Fenwick Island.  
23 **MS. BUNTING:** I, too, agree  
24 that the elevator should be installed.

1 I did have a question as to if  
2 it could be moved to the back of the house,  
3 but I think that has been explained. So I'm  
4 in favor of the elevator.  
5 **MR. BENN:** Yes. I am taking  
6 Mr. Parsons' word as well that it will, since  
7 I'm not a structural engineer, that this is  
8 the only possible place for the elevator to  
9 go. In light of the medical necessity, I,  
10 too, vote in favor of granting this variance.  
11 **CHAIRMAN COLLINS:** So this  
12 variance is being granted unanimously in  
13 favor five. Opposed, no. Zero.  
14 This will conclude this first  
15 part of the hearing. We will move from this  
16 in a minute or two, let us catch our breath  
17 in a minute or two, and then we'll move to  
18 the next issue.  
19 Thank you.  
20 (The hearing was concluded at,  
21 approximately, 2:38 p.m.)  
22  
23  
24

1 State of Delaware:  
2 New Castle County:  
3  
4 **CERTIFICATE OF REPORTER**  
5  
6 I, Gloria M. D'Amore, Registered  
7 Professional Reporter and Notary Public, do  
8 hereby certify that the foregoing record,  
9 Pages 1 to 31 inclusive, is a true and  
10 accurate transcript of my stenographic notes  
11 taken on Thursday, August 23, 2018, in the  
12 above-captioned matter.  
13 **IN WITNESS WHEREOF,** I have hereunto set  
14 my hand and seal this 29th day of August,  
15 2018, at Wilmington, Delaware.  
16  
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18  
19  
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21  
22  
23  
24



GLORIA M. D'AMORE, RPR

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