



The Town of Fenwick Island

800 Coastal Highway, Fenwick Island, DE 19944-4409
302-539-3011 ~ 302-539-1305 fax
www.fenwickisland.delaware.gov

BOARD OF ADJUSTMENT JULY 18, 2019 AT 9:30 AM

MINUTES

In Attendance

Tim Collins, Linda Bunting, Craig Lambertson, Marlene Quinn, Jim Yori

Staff in Attendance

Pat Schuchman, Linda Martin

Also in Attendance

Mary Schrider-Fox, Tom and Sandy Monahan (owners of 2 E. Houston Street), P.J. Laviola & Katelyn Mates (Delaware Elevator), Daniel Bryan (East Coast Building Projects)

Tim called the meeting to order at 9:34 AM.

Reorganization of the Board of Adjustment

A MOTION was made by Marlene, seconded by Craig, to nominate Tim as Chairperson. The MOTION passed unanimously.

A MOTION was made by Tim, seconded by Linda, to nominate Craig as Vice-Chairperson. The MOTION passed unanimously.

A MOTION was made by Tim, seconded by Craig, to nominate Marlene as Secretary. The MOTION passed unanimously.

Hearing Rules

Mary noted that the hearing rules are still in affect and no changes have been made to the rules from the last hearing.

Review Session with Town Solicitor

Mary provided a handout on standards for an area variance. The standard for area variances are defined as exceptional or practical difficulty. She reminded everyone to keep in mind the request and why it is needed, especially if there is a disability where ADA or the Fair Housing Act laws would be in effect. A proving disability is defined as a medical condition or a physical condition that limits a life activity.

Tim questioned after the request is heard and the Board is ready to make a motion to approve or deny, is it appropriate to have the discussion on the request prior to the motion or after the motion has been made. Mary replied that the motion must be made, seconded by another member, then the discussion can take place.

Tim asked if it is proper for the chairperson to make the motion. Mary replied normally someone other than the chairperson should make the motion.

Mary noted that in our rules for the Board of Adjustments, it states that anyone that is to be speaking on the request must take an oath.

Jim questioned as to the factual findings, if that would be something the Building Official would put on the record. Pat replied that it will be noted on the building permit when issued.

Public Hearing

The Public Hearing began at 10:04 AM with introductions of the members of the Board of Adjustment.

Pat read the request of the variance to the east side setback at 2 E. Houston Street to encroach 3.7' for the installation of an elevator. She noted that on July 1, 2019, a letter was submitted to the Board of Adjustment for the variance. Pat read into record all the exhibits that were provided to the Board.

Tom Monahan was sworn in. He stated his request and added that his situation is unique since his lot is only 38' wide while a typical lot is 50' wide. He presented 8 photographs of the interior and exterior of his home, which were also recorded as an exhibit. He noted that on the front of the house there is no room for an elevator. As for the back of the house, the elevator would enter a bedroom on the 1st floor and a pantry would have to be removed in the kitchen on the 2nd floor. The ideal location is as stated on his request. The Monahan's also considered a lift chair, but the idea was impractical due to the chair being very slow, not enough transport to carry groceries, etc., the chair would interfere with the front entrance doorway, and also the sharp turns in the stairway would be a tripping hazard. Mr. Monahan also mentioned that in the past he has obtained estimates from two other elevator companies and they agreed that the best location would be where he is requesting.

Tim noted that one situation that the Monahan's face is an undersized lot. He questioned what the setback requirements are in this case. Pat replied 5' from the property line and the house is 6.7' from the property line.

Tim asked for clarification of the 3.7' encroachment into the 7' area, since on page 8 it is listing the current setback is 6.6' and the elevator shaft measures 5.3' into the area. Pat responded that the setback is 6.6' and the elevator shaft measures 5.3'. The difference is 3.7' into the side setback. The 1.3' is from the elevator shaft to the property line. Next door has a 7' setback, so between the houses will be 8.6'.

Tim asked if standing on the outside of the proposed elevator shaft, what is the distance between the elevator shaft and the neighbor's property line. Pat responded 1.3'. Tim then asked if there was any difference between what is being presented to the Board today and what was presented to the neighbor. Mr. Monahan replied no, that it is the same sketch that was provided to his neighbor.

Tim questioned what each level will access with the proposed elevator. Mr. Monahan replied that the entrance to the elevator will be on the left-hand side of the garage, the 1st floor of the elevator will enter a hallway where there is currently an existing window, and on the 2nd floor the elevator will enter the dining area.

Tim asked about the house on the west side of the house. Pat confirmed that it is in the commercial zone and has a 14' setback behind the house and a 20' side setback.

Tim questioned why the elevator could not be positioned on the west side. Mr. Monahan replied that if it was to be located on the west side, the elevator would be entering a bedroom on the 1st floor and he would lose the pantry area in his kitchen on the 2nd floor. Tim then asked why the elevator could not be located in the rear of the property. Mr. Monahan stated that it would enter a bedroom on both the 1st and 2nd floor.

Jim asked for clarification since on some of the documentation the request states 3.7' while others state 3'7". Pat confirmed that it is 3.7'. Jim then asked if the blue house on the photo belongs to their neighbors, the Ponsi's. Mr. Monahan confirmed that it was the Ponsi's house.

Linda asked how many bedrooms are in the Monahan's home. Mr. Monahan stated 6 bedrooms. Linda then asked why the Monahan's did not want to sacrifice one of their bedrooms for the elevator. Mr. Monahan replied due to the traffic flow. He added that they considered going into the bedrooms and knocking out closets, but the elevator would not be as functional.

Marlene questioned where the climate control area for the elevator will be stationed. Mr. Monahan stated that it would be located to the left of the car in the garage area.

Mr. Monahan noted that both he and his wife have medical conditions: his wife had knee surgery and her operation deters her balance and flexibility, while he has severe blockages in both legs and going up and down steps is a challenge.

Mr. Monahan noted that his house was built in 2008 and he does not think the addition of the elevator will alter the neighborhood since it is not blocking anyone's view. He plans to landscape the area around the elevator to screen it from view.

Tim asked what the elevator shaft will look like. Mr. Monahan stated that the same siding will be used and 2-3 decorative windows facing Houston Street will be added.

P.J. Laviola from Delaware Elevator was sworn in. He commented that the request for the location of the elevator shaft was also a security issue and they chose the best place for accessibility. With the requested location they will be entering the foyer on the 1st floor.

A motion was made by Craig, seconded by Linda, to approve the installation of the elevator.

Craig approved the location based upon accessibility.

Linda approved since the Monahan's considered all options and chose the best location. Also, due to their physical needs an elevator is needed.

Marlene approved, stating that the Monahan's health issues have changed since they bought their home.

Jim approved, commenting that the elevator request is at the best location aesthetically and will appear symmetrical to the existing home. He added that the elevator shaft will not affect neighbors and the Ponsi's have submitted a letter stating that they are in favor. The elevator complies with all ADA requirements. He does not want the Monahan's not to enjoy their home.

Tim approved, noting that the Monahan's demonstrated the practical need for the elevator. He appreciated the documentation provided on the medical issues and the least impact on the neighbors. He also commented that for the record, there is a problem in Fenwick Island on setbacks.

The motion to approve the installation of the elevator passed unanimously.

Mary noted that the Board decision will be approved in writing and by Delaware law there will be a 30-day appeal period prior to any work to begin. Mr. Monahan asked if he can apply for the permit now. Mary replied that he could, but he is taking a risk if someone appeals the approval within the 30 days.

Jim asked if any of the neighbors were opposed to the elevator. Pat replied that 17 notices were sent out and no one was in opposition.

Adjournment

A MOTION was made by Jim, seconded by Tim, to adjourn the meeting. The MOTION passed unanimously and the meeting adjourned at 11:16 AM.