Additional Supporting Evidence for

6:00 PM October 20, 2026

Board of Adjustment hearing scheduled for

107 St. Louis Street parcel 334-20.14-92.00

variance request

submitted by Chris Avsec, Owner

I would like to include the attached information as supportive evidence that a property with a similar shape and challenges in the NR district received a variance for a much smaller setback in September 2021.

This supportive example is located directly across Route One at 109 Houston Street and is easily visible from the requesting property.

Included attachments for submission packet:

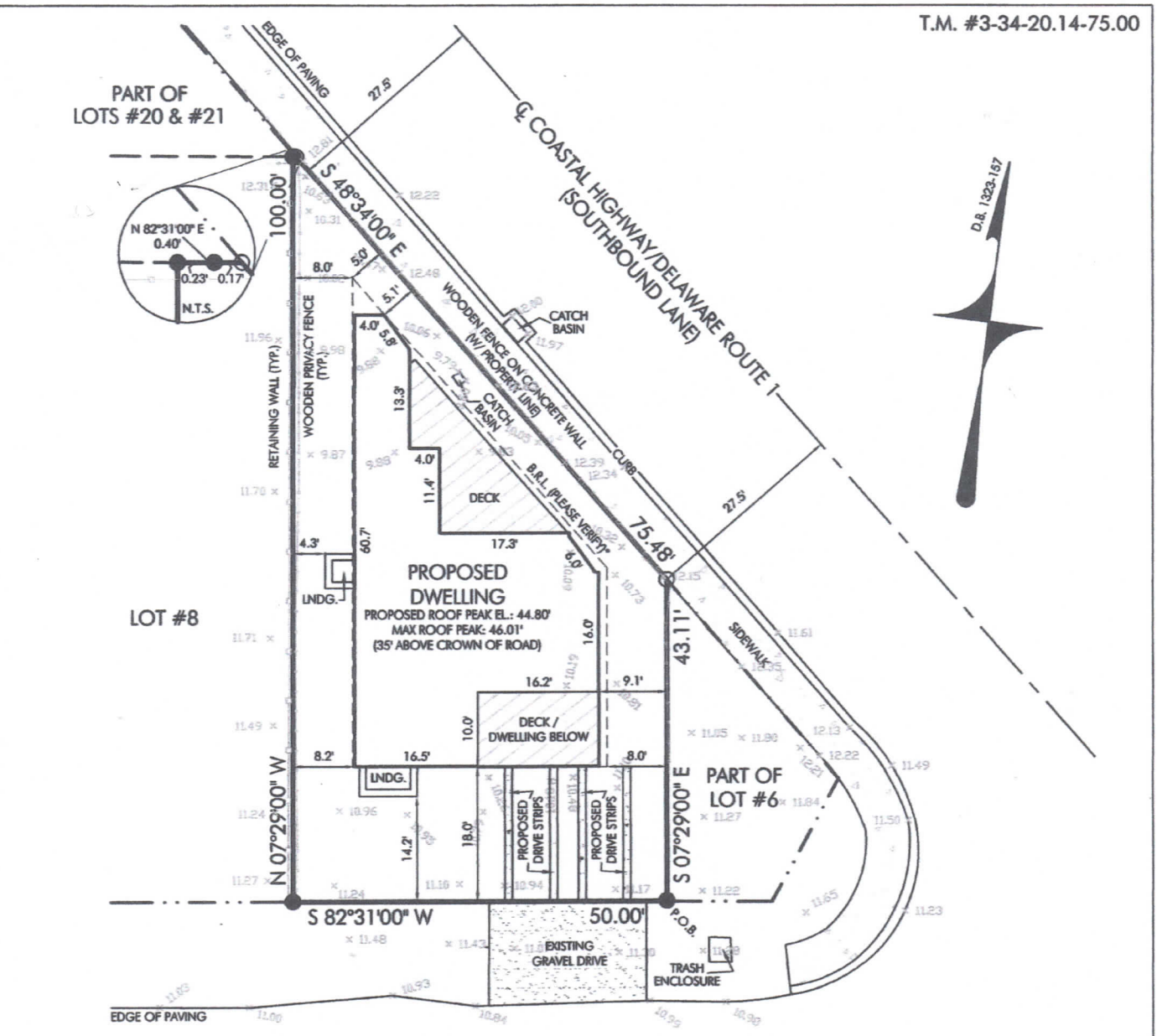
1) 109 Houston Street parcel 334-20.14-75.00 site plan
2) September 15, 2021 Board of Adjustment Decision on parcel 334-20.14.75.00

I can be reached at 302-841-3138 if there are any questions about this matter prior to the hearing date.

Sincerely,

Chris Avsec

T.M. #3-34-20.14-75.00



REFERENCE BENCHMARK:
"PK" NAIL SET IN ℄ HOUSTON STREET
ELEVATION: 11.01' (NAVD 88)

LEGEND:

- ● IRON PIPE (FOUND)
- ○ POINT IN FENCE POST
- × 0.00 EXISTING ELEVATION SPOT SHOT (NAVD 88)

NOTES:

*ALL SETBACKS MUST BE VERIFIED BY THE HOME OWNER, GENERAL CONTRACTOR, AND/OR THE DESIGNER. PLEASE CONTACT TOWN OF DEWEY BEACH.

**DRAWING REVISED ON 10/4/2022 TO SHOW PROPOSED CONDITIONS.

VERTICAL DATUM: NAVD (1988)

THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.

NO TITLE SEARCH PROVIDED OR STIPULATED.

SURVEY CLASS: SUBURBAN

PROPOSED CONDITIONS SITE PLAN FOR

TRACEY MEDER

TOTAL AREA: 3,589 SQ. FT.
DEED REFERENCE: BOOK 1323, PAGE 157
109 HOUSTON STREET
PART OF LOT #7 BLOCK 22 OF
"REHOBOTH BY THE SEA" SUBDIVISION
TOWN OF DEWEY BEACH
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
OCTOBER 11, 2019** SCALE: 1" = 20'

Prepared by:
FORESIGHT Services
Surveying & Precision Measurement
302 226 2229 phone 302 226 2239 fax 2103A Coastal Highway Dewey Beach, DE 19971

Date of Decision: September 15, 2021

BEFORE THE BOARD OF ADJUSTMENT

OF THE TOWN OF DEWEY BEACH

IN RE: **APPLICATION OF JANE MEDER IRREV TRUST** **RE: 109 HOUSTON STREET** **DEWEY BEACH, DELAWARE**	**DECISION**

The Board of Adjustment of the Town of Dewey Beach (the "Board") convened at 7:00 p.m. on Wednesday, September 15, 2021, at the Dewey Beach Lifesaving Station at 1 Dagsworthy Avenue, Dewey Beach to consider the application of the Jane M. Meder Irrevocable Trust (the "Applicant") for to reduce the 12-foot rear-yard setback to 5 ft. on parcel 3-34-20.14-75.00 (hereinafter "the Property"). The Property is located in the NR district.

Present for the Board of Adjustment were Chairperson Julie Johnson, Esq. and members Phillip Davenport and David Shuey representing a quorum of the Board, who participated in the consideration of and decision on the application. Members Kathy Cherico and Rick Dryer were absent. Also present were Daune Hinks, the Building Official of the Town of Dewey Beach as well as the Board's attorney, Fred Townsend. The application was presented by Erin Meder, Trustee and her brother Tracey Meder.

SUMMARY OF EVIDENCE

The Property is improved with a legal nonconforming single-family residence that encroaches within its western side yard setback. It is legal nonconforming in this respect.
The parcel is irregularly shaped as it borders the right-of-way of Coastal Highway along it rear boundary such that it eastern side boundary is just 43.11 ft. in length compared to its 100 ft. eastern boundary. The result is a parcel consisting of 3,589 sq. ft. The Applicant is proposing to replace the home's failing foundation and to relocate it outside the side-yard setback area to the west. To do so the Applicant seeks to enlarge the building envelope by reducing the rear-yard setback.

FINDINGS OF FACT

1. The Applicant is requesting to reduce the rear-yard setback from 12 ft. to 5 ft. to increase the available building envelope on this undersized and irregularly shaped

parcel so and to allow for the home to be relocated outside its western side-yard setback.

2. The Applicant has established that replacement of the foundation of the home on the Property is required to due to its failing condition.

3. The exceptionally short eastern boundary significantly reduces the available building envelope compared to typical 50' by 100' lots.

4. The Property's rear boundary is with Coastal Highway such that is has no adjoining neighbors to the rear.

5. The Property's eastern boundary line adjoins undevelopable town-owned surplus property.

CONCLUSIONS OF LAW

In considering a request for a variance or exception from a zoning requirement, a board of adjustment must determine whether exceptional practical difficulties exist. The exceptional practical difficulty standard is satisfied only when the difficulties alleged are practical rather than theoretical and exceptional rather than routine. *Bd. of Adjustment of New Castle County v. Kwik-Check Realty, Inc.*, 389 A.2d 1289, 1291 (Del. 1978). The following four factors must be considered when determining whether exceptional practical difficulties exist:

1. The nature of the zone where the property lies;

2. The character and uses of the immediate vicinity;

3. Whether removal of the restriction on the applicant's property would seriously affect the neighboring properties and their uses; and

4. Whether failure to remove the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in making normal improvements to the property.

The Board finds that the Applicant has demonstrated an exceptional practical difficulty in making a normal improvement to the Property. The home as proposed to be relocated is not inconsistent with the nature of zone and character of neighboring uses. It does not threaten to seriously impact neighboring properties, nor does it present public safety concerns. In fact, by reducing the rear-yard setback the home can be relocated so as to comply with its western side-yard setback without bringing it into close proximity of any neighboring structure.

The condition of the home requires substantial improvements. The size and dimensions of the Property presents an exceptional practical difficulty in making those improvements. The act of moving the existing structure from the western side-yard into the rear-yard serves to lessen the degree to which the Property is noncompliant with zoning and it further serves to encourage investment in the aging improvements on the Property. Finally, the relief sought is not greater than is necessary to relieve the asserted difficulty.

DECISION

Based upon the foregoing, and the evidence presented, it is the decision of the Board, by a vote of two in favor and one against a motion to approve the variance application for a 7 ft. reduction in the rear-yard setback.

BOARD OF ADJUSTMENT OF THE
TOWN OF DEWEY BEACH

BY: _____
JULIE JOHNSON, Chairperson

DATED: 2/22/22

BY: Ashleigh Sander
ASHLEIGH SANDER, Town Clerk

DATED: 2/22/2022