

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: BRF HOLDINGS, LLC**

**(Case No. 11335)**

A hearing was held after due notice on February 3, 2014. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Brent Workman and Mr. Norman Rickard.

Nature of the Proceedings

This is an application for variances from the front yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 31.2 feet from the sixty (60) feet front yard setback requirement and a variance of three (3) feet from the five (5) feet side yard setback requirement for a commercial building. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located southeast of Route One and west of Pennsylvania Avenue and being 300 feet north of Fifth Street and Bethany Beach; said property being identified as Sussex County Tax Map Parcel Number 1-34-13.15-153.00. After a hearing, the Board made the following findings of fact:

1. Chris Eckleston was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Eckleston testified that the State Fire Marshal issued a safety violation to the Applicant for not having a stairway to exit the building in case of an emergency.
3. The Board found that Mr. Eckleston testified that the existing building does not meet the required setbacks.
4. The Board found that Mr. Eckleston testified that the Property was previously owned by the Town of Bethany Beach and that there were no known issues with the setbacks when the Applicant purchased the Property.
5. The Board found that Mr. Eckleston testified that the building does not meet the setback requirements and was not constructed by the Applicant.
6. The Board found that Mr. Eckleston testified that he believes the structure is at least thirty (30) years old.
7. The Board found that Mr. Eckleston submitted exhibits and a letter of support to the Application.
8. The Board found that the Property is a corner lot and a through lot and that a front yard variance was granted on the Property in 1996.
9. The Board found that Mr. Eckleston testified that the existing stair tower is on the Pennsylvania Avenue side of the building and that the Fire Marshal requires stairwells on both sides of the building so one will need to be constructed on the Coastal Highway side of the Property as well.
10. The Board found that Mr. Eckleston testified that the stairwell will be approximately seventeen (17) feet tall.
11. The Board found that no parties appeared in support of or in opposition to the Application.
12. The Board found that the Office of Planning & Zoning received one (1) letter in support of the Application.
13. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The Property is unique because it is a through lot and the requirement for the stairwell by the State Fire Marshal also creates a unique situation. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. The variances will not

alter the essential character of the neighborhood. The variances sought are the minimum variances necessary to afford relief.

The Board approved the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the Application was approved. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Member voted against the Motion to Approve the Application.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY

  
Dale Callaway  
Chairman

If the use is not established within one (1)  
year from the date below the application  
becomes void.

Date March 25, 2014