

THE FOUR STEP PROCESS



The four step process was created in order to help enforce the Regulations Governing Beach Protection and the Use of Beaches and an amendment made to the Beach Preservation Act.

Section 5.03 b. of the Regulations states:

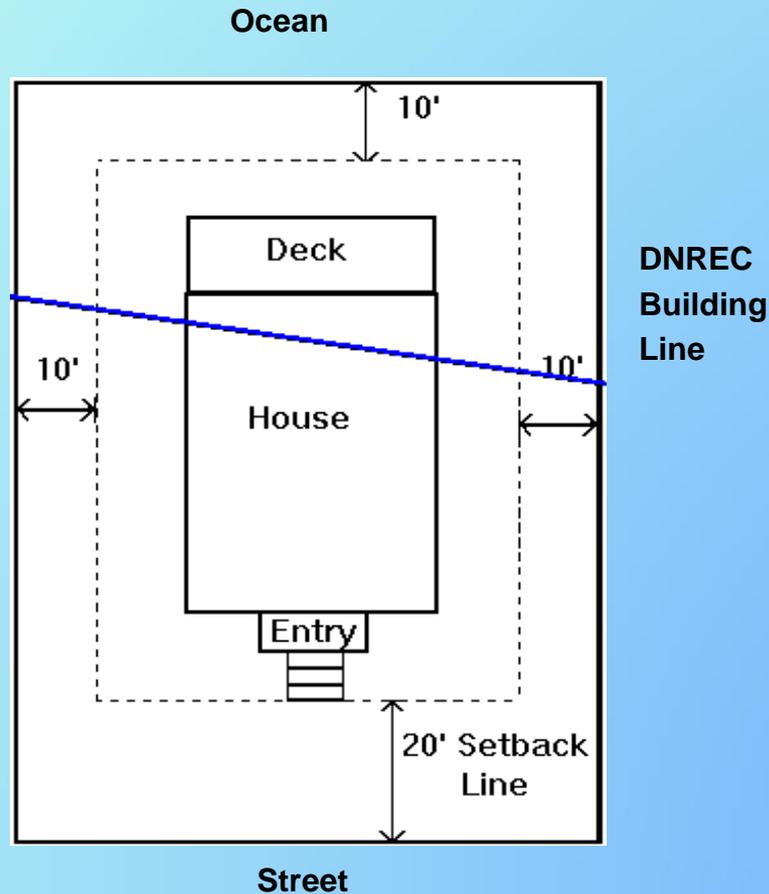
In determining if the Division shall require that the dimensions or location of a proposed structure, or portion thereof, or other design aspects are to be modified or redesigned pursuant to the provisions of Section 3.01 (a)(2), the Division, in addition to what is required in Sections 2.10 and 5.03(a), shall balance the actual and potential hardships or benefits that may be experienced by the person owning the structure or portion thereof against the actual and potential hardships or benefits that the State, the public and adjacent landowners may experience.

On June 27, 1996 new legislation was passed.

***Amendment to the Beach Preservation
Act: Subsection 6805(d)***

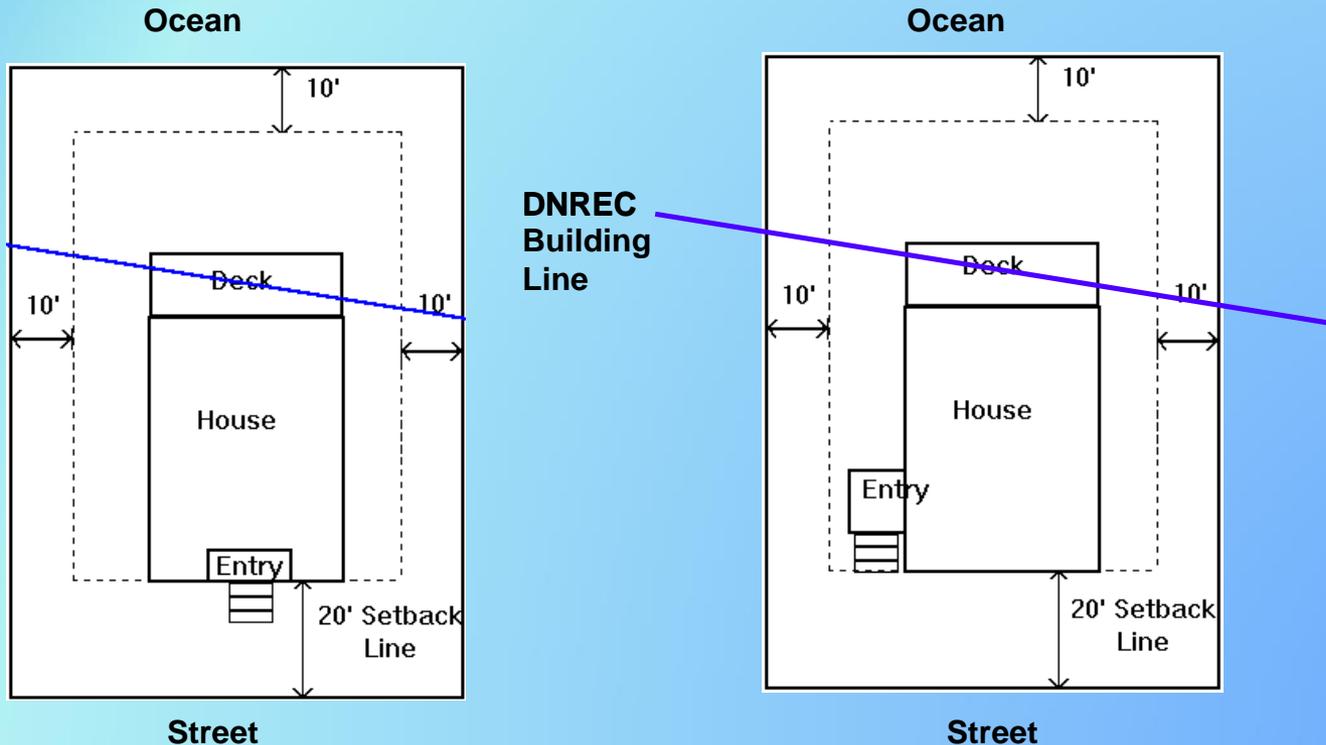
“If any structure proposed to be built in whole or in part seaward of the building line could reasonably be reduced in size or otherwise altered in order to eliminate or diminish the amount of encroachment over the building line, the Department shall require such reduction or alteration as a condition of granting the permit or letter of approval.”

If construction of a dwelling is proposed seaward of the DNREC Building Line, the following steps must be taken to minimize or eliminate construction beyond the Building Line. This process must be followed as part of the permit process.



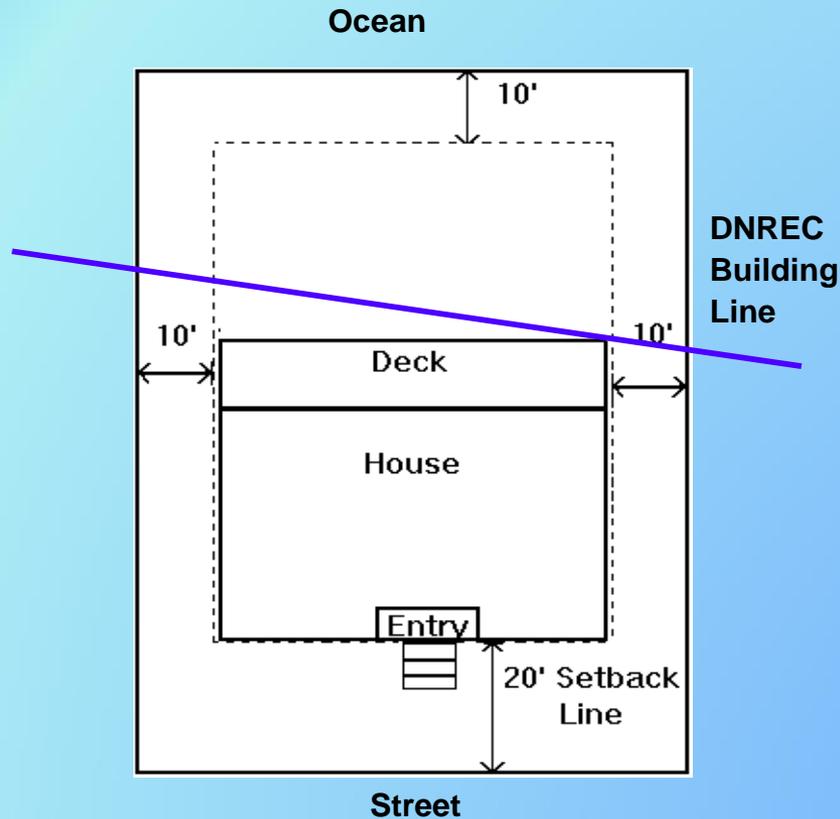
STEP ONE:

All construction must begin at setback line established for the landward property boundary by the county or town in which the property is located. Porches, decks and entranceways are not permitted along this wall of the building, except those which are recessed into the exterior wall or alongside the structure. Steps may extend into setbacks as long as permissible by county and local regulations.



STEP TWO:

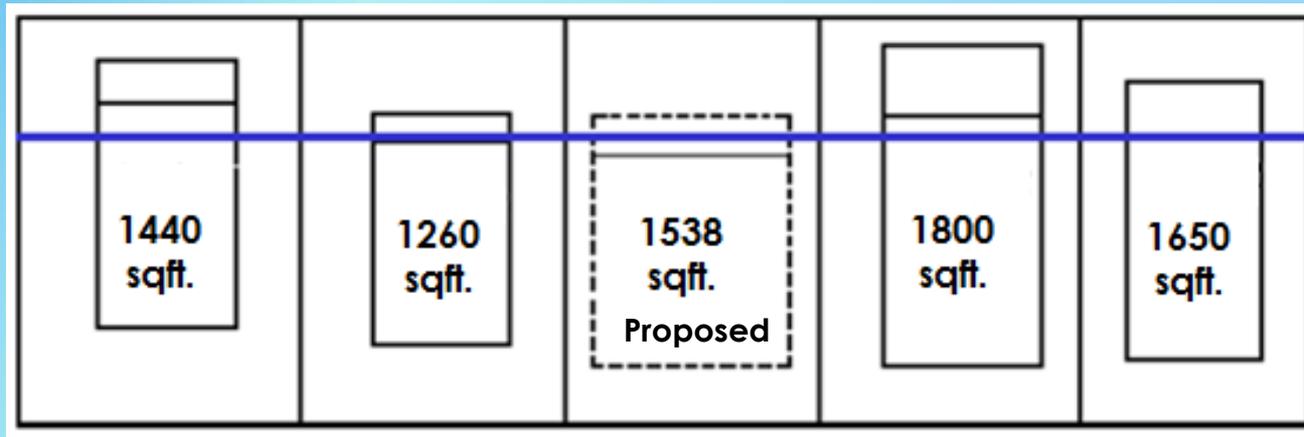
The structure must occupy all of the area available between the side yard setbacks.



STEP THREE:

The square footage of the foot print of the structure (living area only) shall not exceed the average square footage that exists among adjacent structures within *the smallest subset of lots*.

OCEAN



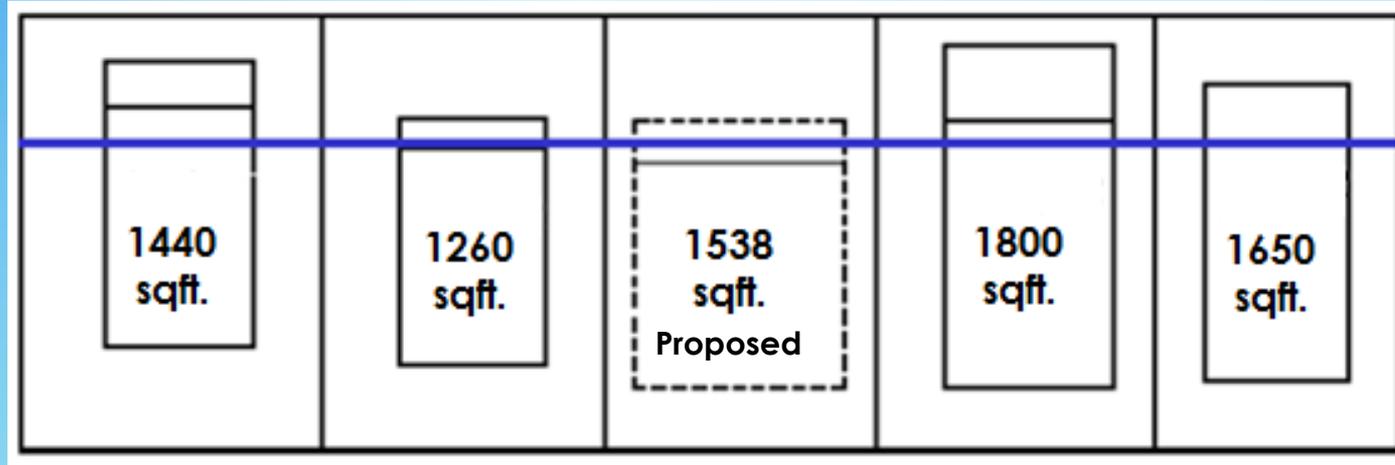
DNREC
BUILDING
LINE

STREET

The “Smallest Subsets of Lots” means smallest set of lots that exist within a subdivision or community separated by either dedicated public walkways, roads, or subdivision boundaries. If there are no roads or walkways separating sections within a subdivision, then the smallest set of lots shall be limited to 7 lots.

STEP THREE:

OCEAN



DNREC
BUILDING
LINE

STREET

Determining the average living footprint square footage:

1440 sqft

1260 sqft

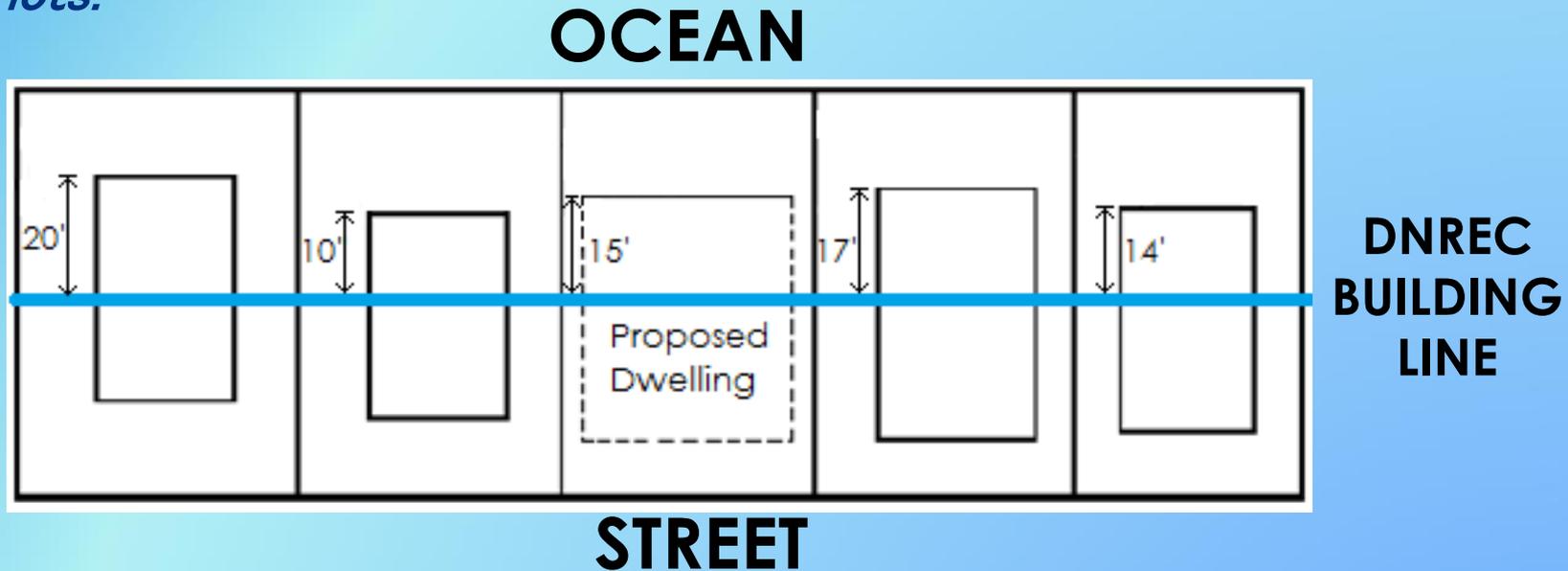
1800 sqft

+1650 sqft

$6150/4 = 1538$ square foot average

STEP FOUR:

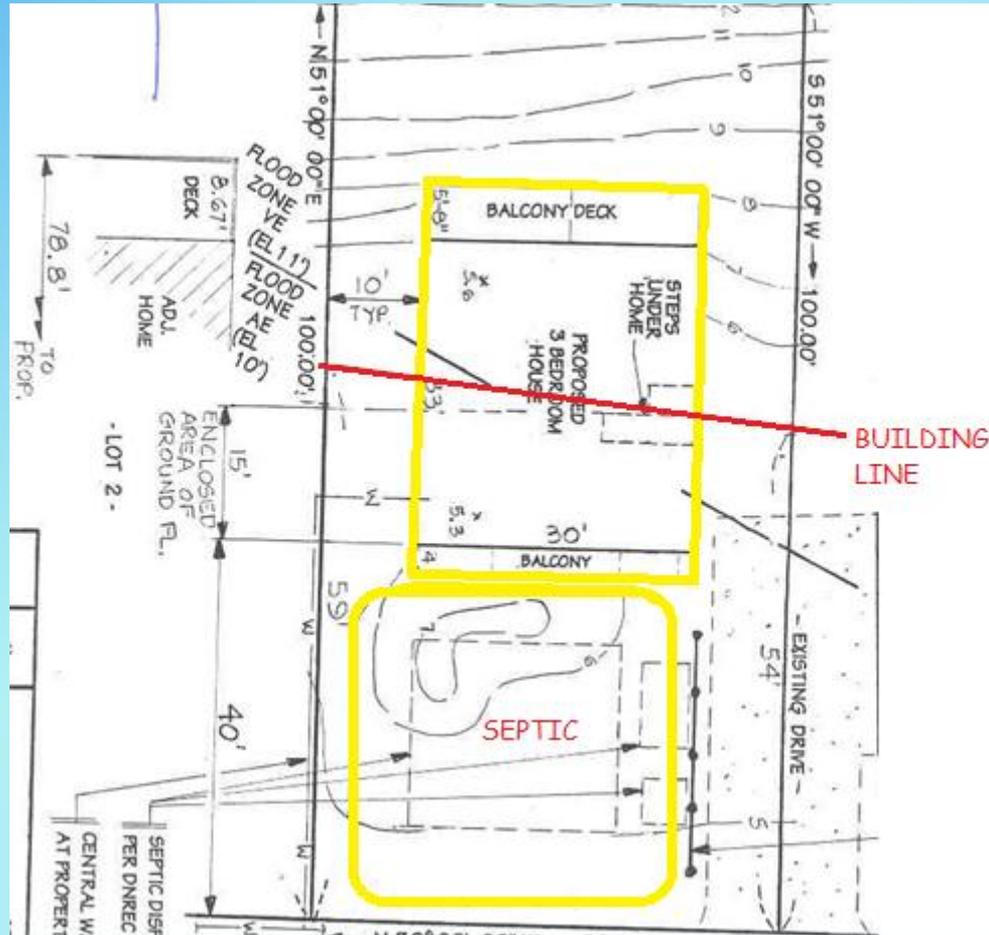
Seaward penetration over the Building Line shall not exceed the average encroachment that exists among adjacent structures within the *smallest subset of lots*.



Determining the average seaward penetration over the Building Line

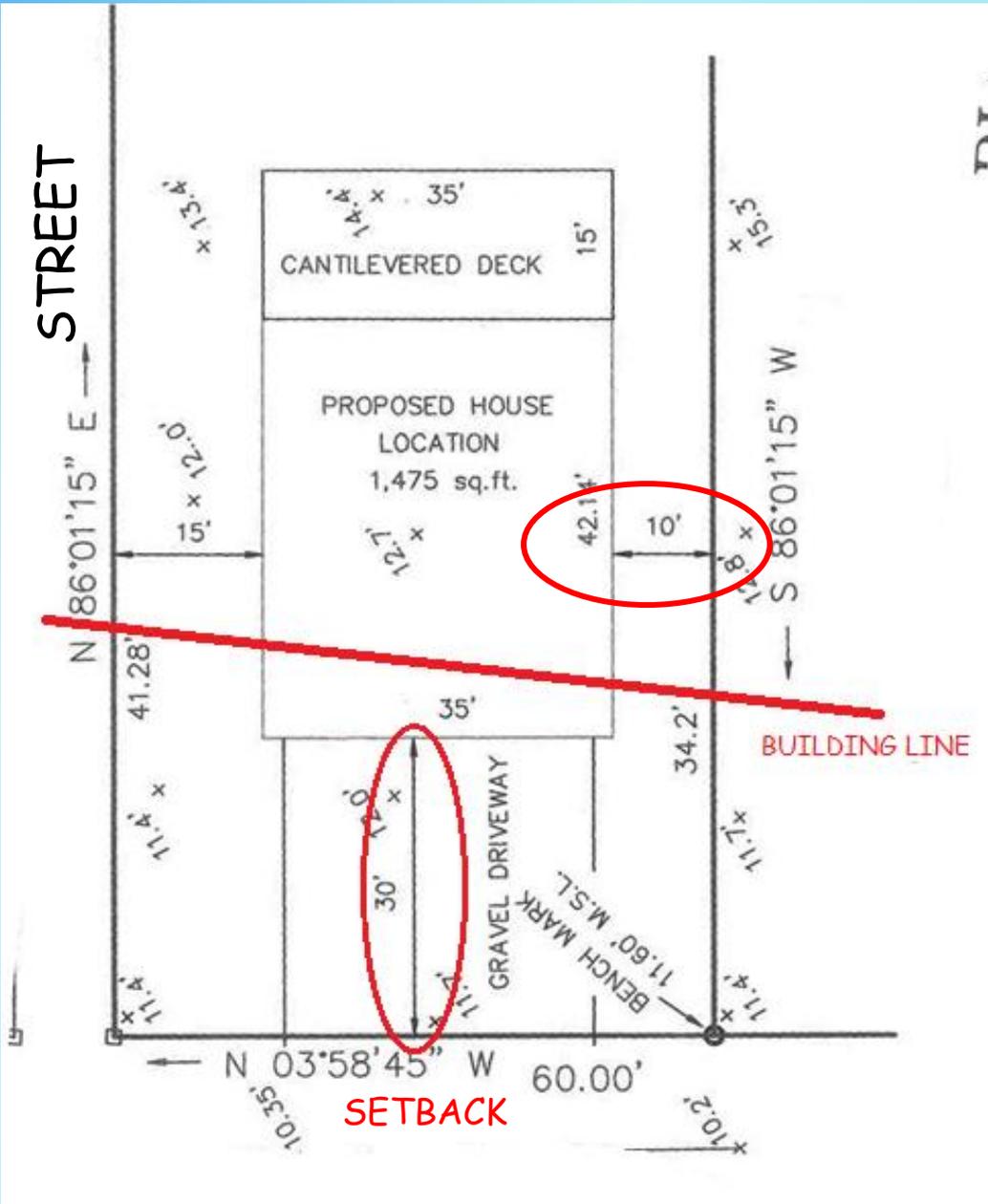
$$\begin{array}{r} 20 \text{ ft.} \\ 10 \text{ ft.} \\ 17 \text{ ft.} \\ \underline{+14 \text{ ft.}} \\ 61/4 = 15.25 \text{ ft. average encroachment} \end{array}$$

HOUSES DESIGNED USING THE 4 STEP PROCESS



Note that the house is built out to the 10' side yard setback and that the septic system is within the front yard setback.

STREET



SETBACK

BUILDING LINE

South Bethany



Dimensions: 33.50'x 41.00'
Living Footprint: 1373.5 sqft.
12.5' Cantilevered Deck

Broadkill Beach



*Living Footprint: 1128 sqft.
5' Cantilevered Deck*

