

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DARIN & VICKI SHARTZER

Case No. 10838 – 2011

A hearing was held after due notice on August 22, 2011. The Board members present were: Mr. John Mills, Mr. Brent Workman and Mr. Jeff Hudson.

Nature of the Proceedings

This is an application for a variance from the side yard setback requirement.

Finding of Facts

The Board found that the Applicant was seeking a variance from side yard setback requirements south of Route 54, southwest of Cleveland Avenue, Lot 25 and Part of Lot 24, Block 4, Cape Windsor. The Applicant was requesting a 5' variance from the required 10' side yard setback for a dwelling, and an 8' variance from the required 10' side yard setback for an air conditioning unit. After a hearing, the Board made the following findings of fact:

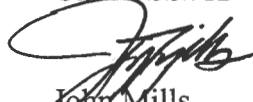
1. The Applicant received a variance for the property in 2006, but was unaware of the one year expiration.
2. The current application actually seeks less extensive variances than the original application.
3. The original structure, on the lot since 1970, was only 3' from the property line. The replacement property will offer more of a setback.
4. William Sands and Robert Houtchens testified in opposition. They believed that in 2006 the variance was for an air conditioning unit only and not for a dwelling as in the present application. They also believe the Applicant's lot is wider than others on the street, and that they should be able to comply with setbacks.
5. The Applicant indicated that in 2006 the variance was for both the dwelling and the air conditioning unit.
6. It appears that lots at the end of the block were intentionally made smaller than most others. The odd-shaped lot has only 41.50' of real road frontage, compared to 50' for lots along Cleveland Avenue.
7. The Applicant also pointed out that there are numerous lots in the development with similar variances, including lots 22 and 23, and that the application would therefore not alter the essential character of the neighborhood. They testified that they did not create the hardship and that it was necessary to enable reasonable use of the property.
8. The Board determined that the application generally met the standards for granting a variance.

The Board granted the requested variances.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board members voting in favor were: Mr. Mills, Mr. Workman, and Mr. Hudson; voting against – none.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


John Mills
Vice-Chairman

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

Date October 18, 2011.