

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DANNY AND ROBERTA VERRETTE

Case No. 10895 – 2011

A hearing was held after due notice on November 7, 2011. The Board members present were: Mr. Dale Callaway, Mr. Ronald McCabe, Mr. John Mills, Mr. Brent Workman, and Mr. Jeff Hudson.

Nature of the Proceedings

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

Finding of Facts

The Board found that the Applicant was seeking a variance from front yard and side yard setback requirements north of Route 54, west of Laws Point Road, Lot 18, Block F, Section B, Swann Keys. The Applicant was requesting a .3' variance from the required average front yard setback of 8.8' for an existing dwelling, a 5.3' variance from the required 10' side yard setback for an existing bump-out and deck/porch, and a 4.4' variance from the required 10' side yard setback for an existing second floor deck. After a hearing, the Board made the following findings of fact:

1. The Applicant built the dwelling in 2003, and it was subsequently raised in order to comply with flood zone and insurance requirements. That had the effect of creating encroachments which did not exist for a single story dwelling.
2. The house is in the same footprint. In addition, supports were added for the raised fireplace.
3. As a result of raising the dwelling, the existing chimney and steps encroach.
4. Modification of the dwelling would require a significant additional expense.
5. The Board determined that the Application generally met the standards for granting a variance. The difficulty was created by raising the home in order to comply with flood zone and insurance requirements, and the fact that the current code limits certain encroachments to the first floor level. The difficulty was not created by the Applicant, and will not alter the essential character of the neighborhood. Because the encroaching structures were already existing, they are considered to be necessary for reasonable use of the property, and the requested variances are the minimum necessary to afford relief.
6. The Board received a number of letters in support of the Application, and no persons appeared in opposition.

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. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman, and Mr. Hudson; voting against – none.

**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 December 28, 2011.