

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JANET STENNER AND WILLIAM STENNER (Case No. 10903)

A hearing was held after due notice on December 12, 2011. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. Ronald McCabe, Mr. John Mills, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances of the rear yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicants were seeking a variance of 5 feet from the 10 foot side yard setback requirement for a proposed dwelling and a variance of 5 feet from the 20 foot rear yard setback requirement for a proposed dwelling. The Applicants have requested that the aforementioned requested variances be granted as it pertains to certain real property located south of Route 54, east of Grant Avenue, being Lot 5, Block 6, within Cape Windsor development; said property being identified as Sussex County Tax Map Parcel Number 5-33-80.14-27.00. After a hearing, the Board made the following findings of fact:

1. Janet Stenner, William Stenner, and Donald Esch testified on behalf of the Applicants.
2. The Board found that the Applicants removed a mobile home from the Property and intend to replace it with a one story, modular dwelling of the same length but slightly wider than the original mobile home. The Board found that the Applicants are not attempting to place a larger home than is necessary to enable reasonable use of the Property.
3. The Board found that the proposed dwelling would consist of approximately 1,484 square feet.
4. The Board found that the previous dwelling was five feet (5') from the property line.
5. The Board found that the Applicants wish to use a portion of the lot for off-street parking as they are older and need to park closer to their home. The street adjacent to the Property is also very narrow and limits parking options.
6. The Board found that two (2) persons appeared in support of the Application.
7. No persons appeared in opposition to the Application.
8. Based on the findings above and the testimony presented at the public hearing, the Board determined that the application met the standards for granting a variance. The difficulty was not caused by the Applicants. The Property was unique due to the small lot size and the lack of available parking. There is no possibility the Property could be developed in strict conformity with the Sussex County zoning ordinances. The variances are necessary for the reasonable use of the Property. The variances would not alter the character of the neighborhood. The variances sought are the minimum relief necessary to afford relief.

The Board granted 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 granted. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. Ronald McCabe, Mr. John Mills, and Mr. Brent Workman. No Members of the Board voted in opposition to 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 21, 2012.