

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ROBERT H. SAVAGE AND MAXINE M. SAVAGE (Case No. 10906)

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 a variance of the front yard setback requirement.

Findings of Fact

The Board found that the Applicants were seeking a variance of 29 feet from the 40 foot front yard setback requirement for an addition. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located east of Road 22B (Morris Avenue Extended), approximately 1,027 feet north of Broadkill Road; said property being identified as Sussex County Tax Map Parcel Number 2-35-14.11-49.00. After a hearing, the Board made the following findings of fact:

1. Robert Savage testified on behalf of the Applicants.
2. The Board found that the existing dwelling on the Property pre-dates the Sussex County Zoning Code as the dwelling was constructed in 1914.
3. The Board found that the existing dwelling on the Property sits 11 feet from the road.
4. The Board found that the Applicant constructed an addition to the rear of the dwelling to provide a first floor bedroom for his wife who suffers from heart problems.
5. The Board found that Maxine Savage has health problems which create the need for the addition.
6. The Board found that the addition was constructed in conformity with the rear setback requirements and that the Applicants have not extended the dwelling into the front yard with the latest addition.
7. The Board found that the State of Delaware took approximately twenty feet (20') in the front yard of the Property for a right-of-way thereby reducing the size of the front yard.
8. The Board found that the Property is located near a graveyard and farmland.
9. No persons appeared in opposition to the Application.
10. Three (3) persons appeared in support of the Application.
11. 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 size of the lot and the placement of the dwelling prior to the creation of the Sussex County Zoning Code. There is no possibility the Property could be developed in strict conformity with the Sussex County zoning ordinances. The variance is necessary for the reasonable use of the Property. The variance sought is the minimum necessary to afford relief to the Applicants. The variance would not alter the character of the neighborhood.

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.