

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ROBERTA HAGEN (Case No. 10912)

A hearing was held after due notice on December 19, 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 and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 2.7 feet from the 15 foot side yard setback requirement for an existing deck and a variance of 7.5 feet from the 30 foot front yard setback requirement for an existing shed. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located east of Route 16 (Broadkill Road) west of Bayshore Drive, thru lot of Striper Road and Flounder Avenue, being Lots 1-4 Block E, Section 1 within Broadkill Beach development; said property being identified as Sussex County Tax Map Parcel Number 2-35-10.06-17.00. After a hearing, the Board made the following findings of fact:

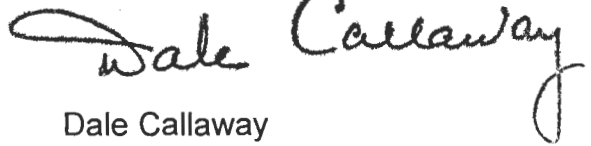
1. Gordon Hagen and Roberta Hagen testified on behalf of the Applicant.
2. The Board found that the Applicant purchased the Property in April 2011.
3. The Board found that the previous owner placed two (2) sheds and a deck on the Property without obtaining the necessary Certificate of Compliances. One of the sheds does not violate the setback requirements. The Applicant acknowledged that she would need to obtain building permits for the deck and shed which do infringe on the setback requirements.
4. The Board found that the Property is adjacent to Flounder Road and Striper Road which are not developed roads.
5. The Board found that the surrounding lots have wetlands restrictions which restrict construction thereon.
6. No persons appeared in opposition or in support of the Application.
7. 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 Property is unique due to the location of the undeveloped streets. The difficulty was not caused by the Applicant; rather, it was caused by the prior owner who constructed the shed and deck. The Property cannot be developed in strict conformity with the Sussex County Zoning Code. The variances sought are the minimum to afford relief and will not alter the essential character of the neighborhood. The variances are needed to enable reasonable use of the Property.

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

A handwritten signature in cursive script that reads "Dale Callaway". The signature is written in dark ink and is positioned to the left of the printed name and title.

Dale Callaway
Chairman

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

Date March 22, 2012.