

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: PHYLLIS SAUNDERS (Case No. 10916)

A hearing was held after due notice on January 9, 2012. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, 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 Applicant was seeking a variance of 11.5 feet from the 40 foot front yard setback requirement for a proposed dwelling with steps. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located northeast of River Road approximately 433 feet east of Pond View Road; said property being identified as Sussex County Tax Map Parcel Number 2-34-34.11-1.00. After a hearing, the Board made the following findings of fact:

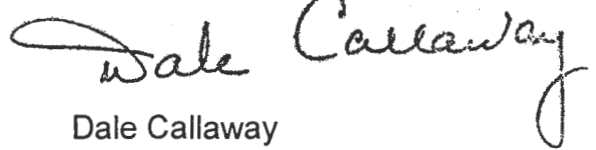
1. The Applicant originally sought to place a manufactured home on the lot until they were advised by the Planning & Zoning Department that a manufactured home is not permitted in this zoning district.
2. The Applicant proposes to place on the Property a modular dwelling measuring 28 feet by 52 feet to be used by her parents.
3. The Applicant lives across the street from the Property.
4. The Property is unique in shape and contains a salt marsh in the rear of the property.
5. The proposed dwelling will be placed ten feet from the salt marsh line.
6. The proposed dwelling will be the same size as the originally proposed manufactured home.
7. Due to the location of the salt marsh, a front yard variance request is needed to place the home on the Property.
8. Phyllis Saunders and William Saunders were present to present the Application and Kathy Walker was present to assist in the presentation as well.
9. No persons appeared in opposition to the Application.
10. Three persons appeared in favor of the Application.
11. The Planning & Zoning Office received two letters of opposition to the Application. The main objections set forth in those letters were to the original proposed manufactured home to be placed on the Property. The parties submitting the letters noted that they do not object to a "stick built" house being placed on the Property.
12. 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 because of the location of the salt marsh. The need for a variance was not caused by the Applicant. The variances sought are the minimum to afford relief and will not alter the character of the neighborhood. The variance is needed to enable reasonable use of the Property. The variance would not alter the essential 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. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY

A handwritten signature in dark ink, reading "Dale Callaway". The signature is fluid and cursive, with the first name "Dale" and last name "Callaway" clearly distinguishable.

Dale Callaway
Chairman

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

Revised Date 5/14/2012.