

## **BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

### **IN RE: JACQUELINE BACHER and PATRICIA HARTMAN (Case No. 10931)**

A hearing was held after due notice on January 23, 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 variances of the front yard setback requirement.

#### Findings of Fact

The Board found that the Applicants were seeking a variance of 14 feet from the 30 foot front yard setback requirement for a proposed dwelling and deck. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located east of Road 39 (Primehook Road), at the intersection of Front Street and Cedar Street; said property being identified as Sussex County Tax Map Parcel Number 2-30-17.00-149.00. After a hearing, the Board made the following findings of fact:

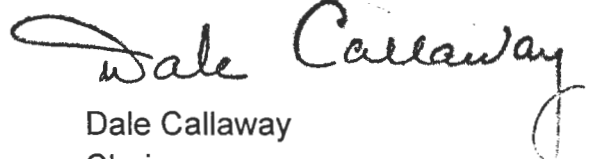
1. Jacqueline Bacher and Patricia Hartman testified on behalf of the Applicants.
2. The Applicants were previously approved for a variance in March 2010 but were unable to proceed with construction due to the need for a new septic system.
3. The Property is a corner lot and is narrow.
4. The Applicants intend to build a house on the Property.
5. The previous structure on the Property encroached into the setback areas more than the proposed dwelling will encroach.
6. The Applicants removed the existing cesspool and installed a new septic system.
7. The location of the septic system creates a difficulty in complying with the required setbacks because it creates a small building envelope.
8. The Applicants testified that the variance is needed in order to build a dwelling with a practical design and that the variance sought is the minimum necessary to afford relief.
9. The Applicants testified that the proposed dwelling would improve the neighborhood and not adversely affect adjacent properties.
10. No persons appeared in opposition to or 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 Property is unique due to the location of the septic system and the shape of the lot. The difficulty was not caused by the Applicant. 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 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. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Member voted against 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 February 21, 2012.