

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: REBECCA D. FURR (Case No. 10951)

A hearing was held after due notice on March 19, 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 rear yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 11.3 feet from the 20 foot rear yard setback requirement for an existing screen porch. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Route 1 (Coastal Highway) south of Basin Street, being Lots 112 thru 114 within Bay Vista development; said property being identified as Sussex County Tax Map Parcel Number 3-34-19.16-28.00. After a hearing, the Board made the following findings of fact:

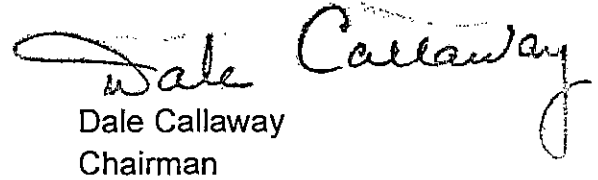
1. William Schab, Esquire, presented the Application on behalf of the Applicant.
2. The Board found that Rebecca Furr testified that she purchased the Property in July 2011 and an encroachment into the setback requirement was discovered in a survey for the settlement.
3. The Board found that the Applicant testified that the dwelling was built in the early 1960's prior to the enactment of the Sussex County Zoning Code and is non-conforming. The Applicant further testified that a previous owner obtained a building permit in 1985 to construct the screen porch but was not required to provide a survey with the building permit application so the encroachment was not discovered at that time.
4. The Board found that the Applicant testified that it would be expensive to renovate the porch.
5. The Board found that the Applicant testified that neighbors have no objection to the Application.
6. The Board found that the Applicant submitted pictures of the Property and a letter from her attorney to the public record.
7. The Board found that no parties appeared in opposition to or in support of the Application.
8. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The variance will enable reasonable use of the Property. The variance will not alter the essential character of the neighborhood and is the minimum variance to afford relief. The need for the variance was not created by the Applicant and it would pose an extreme hardship to move the porch.

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 April 17, 2012.