

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: KERRY WERTZ (Case No. 10975)

A hearing was held after due notice on May 21, 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 side yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 5.8 feet from the required 10 foot side yard setback requirement for a screen porch and a variance of 2.1 feet from the required 10 foot side yard setback requirement for a second floor deck. The Applicants have requested that the aforementioned requested variances be granted as it pertains to certain real property located southwest of Route 54 (Lighthouse Road) south of Wilson Avenue, being Lot 19 within Cape Windsor development); said property being identified as Sussex County Tax Map Parcel Number 5-33-20.18-143.00. After a hearing, the Board made the following findings of fact:

1. Margaret Wertz and Kerry Wertz appeared at the hearing and testified on behalf of the Application.
2. The Board found that the Applicant testified that the dwelling was built in 2003 and that the Board approved variances for the lot in 2001.
3. The Board found that the Applicant testified that there have been numerous problems with the dwelling since 2003 and that they have had to repair the roof twice and replace cabinets and flooring inside the dwelling.
4. The Board found that the Applicant testified that the water is constantly coming in around the windows and that the water damage has caused the boards to bow and created mold.
5. The Board found that the Applicant testified that they have contacted a new builder and have been advised to tear down the decking and reface the dwelling in order to repair the damage.
6. The Board found that the Applicant testified that the extension on the first floor is to add an additional bathroom.
7. The Board found that the Applicant testified that her mother lives with them and needs access to the first floor.
8. The Board found that the Applicant testified that the dwelling was built originally to not infringe on any neighbor's view.
9. The Board found that the Applicant testified that the proposed structures will not alter the character of the neighborhood.
10. The Board found that no parties appeared in opposition to or in support of the Application.
11. The Board found that the Applicant submitted eight (8) letters in support of the Application.
12. 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 need to rebuild makes the Property unique. The variance is necessary to 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.

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 June 19, 2012