

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DAWN SCHUTT (Case No. 10980)

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 front yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 32 feet from the required 40 foot front yard setback requirement for a proposed deck and enclosed porch. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Road 312 (River Road) west of Chief Road; said property being identified as Sussex County Tax Map Parcel Number 2-34-34.11-23.00. After a hearing, the Board made the following findings of fact:

1. Dawn Schutt appeared at the hearing and testified on behalf of the Application.
2. The Board found that the Applicant testified that she was approved for a variance on December 12, 2011, and that at the time of that request she planned on using the existing porch and deck.
3. The Board found that the Applicant testified that since the December 2011 hearing her builder advised her that she must construct a new porch because it is not possible to use the existing porch due to the height of the new unit.
4. The Board found that the Applicant testified that the new flood requirements force her to elevate the level of her house thereby elongating the length of the steps leading from the unit.
5. The Board found that the Applicant testified that the Property is a triangle shape making it unique, that the variance will enable reasonable use of the Property, that the Property cannot be otherwise developed, that the variance will not alter the character of the neighborhood, and that it is the minimum variance to afford relief.
6. The Board found that the Applicant submitted a letter from her builder.
7. The Board found that three (3) parties appeared in support of the Application.
8. The Board found that no parties appeared in opposition to the Application.
9. 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 Property is unique because of its triangular shape. 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