

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JAMES CORDNER AND KATHLEEN CORDNER (Case No. 10984)

A hearing was held after due notice on June 4, 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 Applicants were seeking a variance of 9.2 feet from the required 20 foot rear yard setback requirement for a proposed screen porch. The Applicants have requested that the aforementioned requested variances be granted as it pertains to certain real property located south of Road 277 (Angola Road) northwest of Holly Court, being Lot 5 within Angola by the Bay development; said property being identified as Sussex County Tax Map Parcel Number 2-34-11.20-369.00. After a hearing, the Board made the following findings of fact:


1. James Cordner appeared at the hearing and testified on behalf of the Application.
2. The Board found that the Applicant testified that he was granted a variance in 2005 to construct an addition and that, due to the septic system existing at the time, the addition could not be built to the full width of the existing dwelling.
3. The Board found that the Applicant testified that the Property is now connected to County Sewer system.
4. The Board found that the Applicant testified that since the septic system is no longer needed, the Applicants would like to construct a screen porch and square off the existing dwelling.
5. The Board found that the Applicant testified that the addition cannot be built in compliance with the setback requirements.
6. The Board found that the Applicant testified that the Property measures 50 feet by 100 feet thereby making it unique in shape.
7. The Board found that the Applicant testified that the rear of the Property is adjacent to a common area.
8. The Board found that the Applicant testified that the variance will not alter the character of the neighborhood.
9. The Board found that the Applicant testified that the existing shed has been moved into compliance.
10. The Board found that no parties appeared in opposition to or in support of the Application.
11. The Board initially took the matter under advisement before voting on the Application at the end of the public hearings.
12. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application failed to meet the standards for granting a variance.

The Board denied the variance application finding that it failed to meet the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the application was denied. The Board Members voting against the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Member voted in favor of the Application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


Dale Callaway
Chairman

Date July 3, 2012