

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: LAURA K. MYERS (Case No. 10987)

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 variances of the front yard, rear yard, and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 17.05 feet from the required 30 foot front yard setback requirement for an existing dwelling and a 4.7 foot variance from the required 10 foot side yard setback requirement for a proposed addition and a 2.73 foot variance from the required 5 foot rear yard setback requirement for an existing shed. The Applicant has requested that the aforementioned requested variances be granted as it pertains to certain real property located south of Road 331 (Iron Branch Road) east of 2nd Street, being Lot 13 within Riverview development; said property being identified as Sussex County Tax Map Parcel Number 1-33-17.00-33.00. After a hearing, the Board made the following findings of fact:

1. Laura Myers appeared at the hearing and testified on behalf of the Application.
2. The Board found that the Applicant testified that her lot is narrow as it measures 60 feet by 122 feet.
3. The Board found that the Applicant testified that her septic system is in the rear of the existing dwelling and that the well is on the opposite side of the proposed addition.
4. The Board found that the Applicant testified that the existing dwelling was built in the 1930's and is only 650 square feet.
5. The Board found that the Applicant testified that the proposed addition will enable reasonable use for her family of five (5).
6. The Board found that the Applicant testified that the position of the dwelling makes it impossible to add onto the dwelling without a variance.
7. The Board found that the Applicant testified that it will not alter the character of the neighborhood.
8. The Board found that the Applicant testified that the Property is the second lot from the end of the dead end street.
9. The Board found that the Applicant testified that the existing shed was originally 3 sheds combined as one and that she has removed a portion of the shed that was actually on her neighbor's property.
10. The Board found that the Applicant testified and that this is the minimum variance to afford relief.
11. The Board found that Ronald Myers testified that he is the Applicant's father and he supports the Application.
12. The Board found that no parties appeared in opposition to the Application.
13. The Board found that two parties appeared in support of the Application.
14. 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 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 variance is the minimum variance to afford relief. The variance is the least modification possible of the regulation in issue. The variance will not adversely

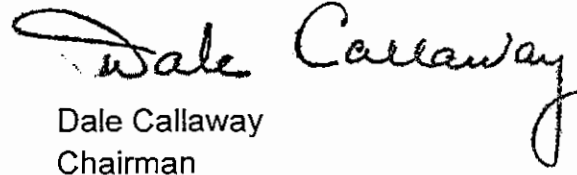
affect the uses of adjacent properties. The variance will not be detrimental to the public welfare.

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 July 3, 2012