

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CARLA YNGVE AND KURT YNGVE (Case No. 10989)

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 and side yard setback requirements.

Findings of Fact

The Board found that the Applicants were seeking a variance of 1.1 feet from the required 10 foot side yard setback requirement for a proposed dwelling and a 4.08 foot variance from the required 30 foot front yard setback requirement for an existing dwelling and a proposed porch with an overhang. The Applicants have requested that the aforementioned requested variances be granted as it pertains to certain real property southwest of Route 1 (Coastal Highway) north of Bayview Avenue, being Lot D-12 within Seabreeze development; said property being identified as Sussex County Tax Map Parcel Number 3-34-20.13-214.00. After a hearing, the Board made the following findings of fact:

1. Carla Yngve and Matt Dotterer appeared at the hearing and testified on behalf of the Application.
2. The Board found that Mr. Dotterer testified that he is a builder.
3. The Board found that Mr. Dotterer testified that the existing structure was constructed in 1962 and that the Applicant proposes to add a second level to the dwelling.
4. The Board found that Mr. Dotterer testified that the proposed addition will enhance the value of the dwelling and that the Homeowner's Association approves of the Application.
5. The Board found that Mr. Dotterer testified that the proposed construction will bring the existing dwelling into hurricane code.
6. The Board found that Mr. Dotterer testified that the Property borders a canal but that the proposed addition will not block any neighbor's views.
7. The Board found that Mr. Dotterer testified that the proposed garage will meet the required setback requirements and that the Homeowner's Association has a 26.5 foot height requirement.
8. The Board found that Mr. Dotterer testified that the Applicant is building on top of the existing first floor and that nothing will be built past the existing steps. He further testified that the proposed porch will not extend the width of the dwelling as shown on the drawing submitted with the Application.
9. The Board found that Mr. Dotterer testified that the proposed addition does not alter the character of the neighborhood.
10. The Board found that Ms. Yngve testified that, to comply with the required setback requirements, the addition would have to be offset from the first floor by one (1) foot
11. The Board found that Ms. Yngve testified and that the Property is unique in the fact that the existing structure is non-conforming.
12. The Board found that the Applicant submitted pictures and a survey.
13. The Board found that no parties appeared in opposition to or 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 Property has unique physical circumstances. 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 Property cannot otherwise be developed.

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