

## BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

### IN RE: ROBERT W. STEFFENS (Case No. 11000)

A hearing was held after due notice on July 2, 2012. The public record was left open and a second hearing was held on July 16, 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 side yard, front yard, and rear yard setback requirements.

#### Findings of Fact

The Board found that the Applicant was seeking a variance of 1.7 feet from the required 5 foot side yard setback requirement for a shed, a 1.8 foot variance from the required 30 foot front yard setback requirement for an existing porch, a 3.5 foot variance from the required 20 foot rear yard setback requirement for an existing detached garage, and a 4.2 foot variance from the requirement 10 foot side yard setback requirement for an existing detached garage. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located east of Road 350 (Railway road) southwest of Oak Street, being Lot 10 within Banks Acres development; said property being identified as Sussex County Tax Map Parcel Number 1-34-12.00-123.00. After a hearing, the Board made the following findings of fact:

1. Manaen Robinson, Esquire, appeared on behalf of the Applicant and presented the Application to the Board.
2. The Board found that Mr. Robinson stated that the Applicant purchased the Property in August 2011 and that a survey completed for settlement showed encroachments into the setback areas.
3. The Board found that Mr. Robinson stated that the porch was constructed in 1983 and the shed and garage were constructed in 1984.
4. The Board found that Mr. Robinson stated that the variance will enable reasonable use of the property.
5. The Board found that Mr. Robinson stated that to move the structures into compliance would create a hardship.
6. The Board found that Mr. Robinson stated that the garage and the shed both have foundations and are difficult to move.
7. The Board found that Mr. Robinson stated that the accessory structures are on foundations.
8. The Board found that Mr. Robinson stated that the difficulty was not created by the Applicant.
9. The Board found that Mr. Robinson stated that the lot is small in size.
10. The Board found that Mr. Robinson stated that it will not alter the character of the neighborhood as the structures have been in place for a very long time.
11. The Board found that no parties appeared in opposition to or in support of the Application at the July 2<sup>nd</sup> hearing.
12. Since the Applicant was not present to affirm the presentation of Mr. Robinson, the Board voted to leave the public record open until the Board's next hearing so that the Applicant could appear and testify before the Board.
13. On July 16, 2012, the Applicant appeared with Mr. Robinson to testify before the Board about the Application.

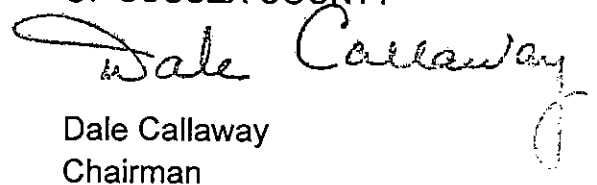
14. The Board found that the Applicant testified that he listened to the audio of Mr. Robinson's presentation before the Board and affirmed Mr. Robinson's presentation as true and correct.
15. The Board found that the Applicant testified that testified that this property is his primary residence.
16. The Board found that the Applicant testified that the variance is necessary to enable reasonable use of the Property.
17. The Board found that the Applicant testified that the structures would have to be torn down in order to comply with the setback requirements.
18. The Board found that the Applicant testified that the difficulty was not created by the Applicant as the structures existed in their current location when he purchased the Property.
19. The Board found that the Applicant testified that the variances will not alter the character of the neighborhood and that the variances requested are the minimum variances to afford relief.
20. The Board found that no parties appeared in opposition to or in support of the Application at the July 16<sup>th</sup> hearing.
21. 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. The need for the variance was not created by the Applicant. The variances will not alter the essential character of the neighborhood and are the minimum variances to afford relief.

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 August 7, 2012