

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: C. JAMES COFFEY (Case No. 11012)

A hearing was held after due notice 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 rear yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 0.2 feet from the required 10 foot rear yard setback requirement for an existing dwelling and a variance of 2.9 feet from the required 10 foot rear yard setback requirement for an existing chimney. The Applicant has requested that the aforementioned requested variances be granted as it pertains to certain real property located east of Route 1 (Coastal Highway) north of Sugar Hill Drive, being Lot 33 within Sea Del Estates development; said property being identified as Sussex County Tax Map Parcel Number 1-34-9.00-375.00. After a hearing, the Board made the following findings of fact:

1. Charles James Coffey appeared, testified, and presented the Application to the Board.
2. The Board found that Mr. Coffey testified that he works for Miken Builders, Inc.
3. The Board found that Mr. Coffey testified that Miken Builders was hired to complete renovations on the dwelling located on the Property and that those renovations were made to the dwelling in 2010.
4. The Board found that Mr. Coffey testified that the renovations were completed on a portion of the dwelling which is not located in the setback area.
5. The Board found that Mr. Coffey testified that the existing dwelling and chimney were built in 1981 by Hickman Builders.
6. The Board found that Mr. Coffey testified that the original survey completed at that time showed no encroachments.
7. The Board found that Mr. Coffey testified that a second survey of the Property completed after the completion of the additions showed the encroachments.
8. The Board found that no parties appeared in opposition to the Application.
9. The Board found that four (4) parties appeared in support of the Application.
10. 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 in shape and the original survey showed no encroachments. The need for the variance was not created by the Applicant. The variance will not alter the essential character of the neighborhood as the structure has been in place since 1981 and the variance requested is the minimum variance 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