

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: BOB DONNELLY AND ANDREA DONNELLY (Case No. 11020)**

A hearing was held after due notice on August 6, 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 front yard setback requirement.

**Findings of Fact**

The Board found that the Applicants were seeking a variance of 10 feet from the 30 foot front yard setback requirement for a proposed deck. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Route 26 (Atlantic Road) northwest corner of Perse Drive & Ogre Drive, being Lot 1, within Ocean Way Estates development; said property being identified as Sussex County Tax Map Parcel Number 1-34-13.00-759.00. After a hearing, the Board made the following findings of fact:

1. Bob Donnelly and Andrea Donnelly appeared at the hearing and testified on behalf of the Application.
2. The Board found that Andrea Donnelly testified that the Applicants purchased the Property in February 2012.
3. The Board found that Andrea Donnelly testified that that the front door on the dwelling faces Perse Drive but that Ogre Drive is considered the front yard.
4. The Board found that Andrea Donnelly testified that the proposed deck will have less impact on the neighbor in the proposed location.
5. The Board found that Andrea Donnelly testified that the lot is narrow in size from Ogre Drive but is shallow when viewed from Perse Drive.
6. The Board found that Andrea Donnelly testified that the proposed deck will not adversely affect the intersection.
7. The Board found that Andrea Donnelly testified that the proposed deck will enable reasonable use of the Property.
8. The Board found that Andrea Donnelly testified that the difficulty was not created by the Applicant, since they did not build the dwelling.
9. The Board found that Andrea Donnelly testified that it is the minimum variance to afford relief and that there is no detriment to the public welfare.
10. The Board found that the Applicants submitted pictures of the Property.
11. The Board found that no parties appeared in support of or in opposition to the Application.
12. The Board found that Mrs. Susan Isaacs informed the Board that the Planning & Zoning Office received a letter of no objection from the homeowners association.
13. 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 because it is a corner lot. The variance will not alter the essential character of the neighborhood. The requested variance is the minimum variance needed to afford relief.

The Board approved 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 approve. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, and Mr. Norman Rickard. Mr. John Mills voted against the Motion to Approve 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 September 11, 2012.