

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

### **IN RE: PHYLLIS SAUNDERS (Case No. 11037)**

A hearing was held after due notice on September 10, 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 Applicant was seeking a variance of 11.5 feet from the 40 foot front yard setback requirement for an existing deck. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located north of River Road approximately 433 feet east of Point View Road; said property being identified as Sussex County Tax Map Parcel Number 2-34-34.11-1.00. After a hearing, the Board made the following findings of fact:

1. Phyllis Saunders and William Saunders were present and sworn in to testify about the Application.
2. The Board found that Mrs. Saunders testified that the Applicants were approved in January 2012 for an 11.5-foot variance for a set of steps.
3. The Board found that Mrs. Saunders testified that the rear of the Property consists of wetlands.
4. The Board found that Mrs. Saunders testified that the Applicants are requesting the same variance to permit a deck instead of the steps and that they built a deck to allow for better access to the dwelling.
5. The Board found that Mrs. Saunders testified that the deck was necessary because the door to the house opens in such a manner that additional room is necessary to maneuver into the house.
6. The Board found that Mrs. Saunders testified that the dwelling is built high to meet flood zone requirements for the Property.
7. The Board found that Mrs. Saunders testified that the lot is unique in size and buildable area is narrow due to the existing marsh.
8. The Board found that Mrs. Saunders testified that the Property cannot be built in strict conformity with the zoning requirements.
9. The Board found that Mrs. Saunders testified that the difficulty was not created by the Applicant.
10. The Board found that Mrs. Saunders testified that the variance will not alter the character of the neighborhood and that it is the minimum variance to afford relief.
11. The Board found that no parties appeared in opposition to or in support of the Application.
12. 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 size due to the marsh in the rear of the lot necessitating a higher foundation. The variance will enable reasonable use of the property. The difficulty was not created by the Applicant. The variance, if granted will not alter the essential character of the neighborhood. The variance sought is the minimum variance 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, Mr. John Mills, and Mr. Norman Rickard. No Member 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 25, 2012.