

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CHRISTOPHER RODGERS AND BRENDA D. RODGERS (Case No. 11040)

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 variances of the front and side yard setback requirements.

Findings of Fact

The Board found that the Applicants were seeking a variance of 29.8 feet from the 30 foot front yard setback requirement and a variance of 0.9 feet from the 5 foot side yard setback requirement for an existing shed. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Blackstone Avenue, south of Martins Lane (a thru lot), being Lot 4 within Silver Lake Manor development; said property being identified as Sussex County Tax Map Parcel Number 3-34-20.05-318.00. After a hearing, the Board made the following findings of fact:

1. Brenda Rodgers was present and sworn in to testify about the Application.
2. The Board found that Ms. Rodgers testified that the Property is shaped like a parallelogram and that the dwelling had to be built on an angle.
3. The Board found that Ms. Rodgers testified that the previous shed measured 10 feet x 12 feet and that the new shed measured 10 feet x 16 feet.
4. The Board found that Ms. Rodgers testified that the shed was placed in the same area as the previous shed.
5. The Board found that Ms. Rodgers testified that the rear of the Property abuts to Martins Lane which is mostly used by foot traffic.
6. The Board found that Ms. Rodgers testified that there are dwellings also encroaching into the setback requirement from Martins Lane.
7. The Board found that Ms. Rodgers testified that there is no location on the Property where the shed could be placed in compliance with the setback requirements.
8. The Board found that Ms. Rodgers testified that a building permit was obtained by the builder.
9. The Board found that Ms. Rodgers testified that she was not aware of the setback requirements.
10. The Board found that Ms. Rodgers testified that a variance has been granted for the dwelling and porch.
11. The Board found that no parties appeared in opposition to or in support of the Application.
12. The Board found that the Office of Planning & Zoning received five (5) letters in support of the Application.
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 lot is unique in shape. The variances will enable reasonable use of the Property as it will enable storage space for the Applicants. The difficulty was not created by the Applicants. The variances, if granted will not alter the character of the neighborhood. The variances sought are the minimum variances necessary 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 approved. 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