

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: KERRY WERTZ (Case No. 11041)

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 side yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 5.8 feet from the 10 foot side yard setback requirement for a proposed attached garage. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Route 54 (Lighthouse Road) south of Wilson Avenue, being Lot 19 within Cape Windsor development; said property being identified as Sussex County Tax Map Parcel Number 5-33-20.18-143.00. After a hearing, the Board made the following findings of fact:

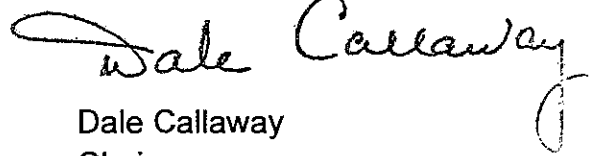
1. Kerry Wertz was present and sworn in to testify about the Application.
2. The Board found that Mr. Wertz testified that the Property is only forty (40) feet wide.
3. The Board found that Mr. Wertz testified that the proposed location of the attached garage is to keep from blocking his neighbor's view of the water.
4. The Board found that Mr. Wertz testified that the storage is needed to store his motorcycle and boats.
5. The Board found that Mr. Wertz testified that the existing storage area is not large enough due to the existing furnace and stairs.
6. The Board found that Mr. Wertz testified that he wanted to install a shed but he could not find a location for the shed where it will not block the views of his neighbors.
7. The Board found that Mr. Wertz testified that the proposed attached garage will measure 12 feet x 16 feet and that the variance will allow the proposed attached garage to be constructed in line with the existing dwelling.
8. The Board found that Mr. Wertz testified that the proposed garage will not alter the character of the neighborhood.
9. The Board found that Mr. Wertz testified that most lots in the development have structures which are ten (10) feet from the street and his proposed garage would be fifteen (15) feet from the street.
10. The Board found that Mr. Wertz testified that all sheds in the development are on the street side of the lots.
11. The Board found that no parties appeared in opposition to or in support of the Application.
12. The Board discussed the Application and tabled this matter until its meeting on September 24, 2012.
13. At its meeting on September 24, 2012, the Board discussed the Application.
14. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application failed to meet the standards for granting a variance because the need for the variance was created by the Applicant.

The Board denied the variance application finding that it failed to meet the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the application was denied. The Board Members voting to deny the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Norman Rickard. No Member voted against the Motion to Deny the Application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Dale Callaway
Chairman

Date October 16, 2012