

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DEBORAH SEIFRIT and STELLA GREENBERG (Case No. 11044)

A hearing was held after due notice on September 24, 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 1.3 feet from the 10 foot side yard setback requirement for an existing dwelling and a variance of 8.1 feet from the 30 foot front yard setback requirement for an existing dwelling and steps. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Route 277 (Angola Road) east of Angola Road East, being Lot 7 & ½ Lot 8 within Angola by the Bay development; said property being identified as Sussex County Tax Map Parcel Number 2-34-11.16-97.00. After a hearing, the Board made the following findings of fact:

1. Daniel Myers, Esquire, presented the Application to the Board on behalf of the Applicants.
2. The Board found that Mr. Myers submitted a package of exhibits to the Board in support of the Application.
3. The Board found that Mr. Myers stated that the Property is located in the Angola by the Bay development, which is a non-conforming development created by a plot recorded in 1968.
4. The Board found that Mr. Myers stated that the Assessment Property Record card shows the dwelling to be approximately six (6) years old in 1973 and that the dwelling was one of the first to be built in the development.
5. The Board found that Mr. Myers stated that the lot is undersized.
6. The Board found that Mr. Myers stated that the front property line is shorter in width than the rear property line and that the property is on a curve.
7. The Board found that Mr. Myers stated that the dwelling was constructed on an angle.
8. The Board found that Mr. Myers stated that there are two (2) stakes marking the corners of the lot and that the two (2) stakes and advance techniques in surveying may have played a part in the encroachment as the dwelling may have appeared in compliance at the time of construction.

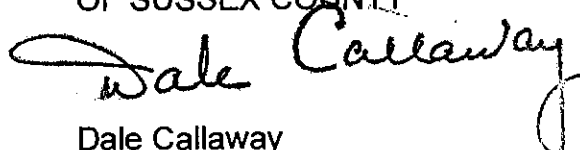
9. The Board found that Mr. Myers stated that the need for the variance was not created by the Applicants as the Applicants did not construct the dwelling.
10. The Board found that Mr. Myers stated that the variance will not alter the character of the neighborhood since the dwelling has been in its current location for many years.
11. The Board found that Mr. Myers stated that the variance will have no adverse effect to the adjacent and neighboring properties.
12. The Board found that Mr. Myers stated that there have been numerous variances granted in the development.
13. The Board found that Mr. Myers stated that the variance requested is the minimum variance to afford relief.
14. The Board found that no parties appeared in support of or in opposition to the Application.
15. The Board discussed the Application and voted to keep the record open until its next regularly scheduled meeting on October 1, 2012, to allow the Applicants to appear and confirm the presentation of Mr. Myers.
16. The Board found that Mr. Myers submitted an affidavit of Deborah Seifrit confirming that the presentation given by Mr. Myers at the meeting on September 24, 2012, was true and correct.
17. The Board found that no parties appeared in support or in opposition to the Application at the October 1, 2012, meeting.
18. 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 due to its curved shape. The difficulty was not created by the Applicants. The variances, if granted will not alter the essential character of the neighborhood. The variances sought are the minimum variances to afford relief. The variances represent the least modification possible of the regulation in issue.

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

A handwritten signature in cursive script that reads "Dale Callaway". The signature is written in black ink and is positioned to the left of the printed name and title.

Dale Callaway
Chairman

If the use is not established within one (1)
year from the date below the application
becomes void.

Date November 7, 2012.