

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: 36 BUILDERS d/b/a INSIGHT HOMES (Case No. 11055)

A hearing was held after due notice on October 1, 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 rear yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 0.5 feet from the required 5 foot rear 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 Route 88 (Cave Neck Road) north of Riverstone Drive, being Lot 165 within Windstone development; said property being identified as Sussex County Tax Map Parcel Number 2-35-22.00-1137.00. After a hearing, the Board made the following findings of fact:

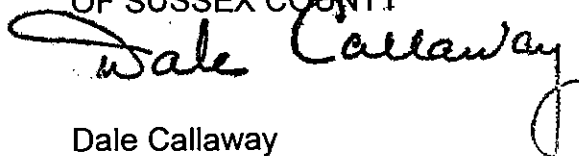
1. Christina Wagner of 36 Builders was sworn in and testified on behalf of the Application.
2. The Board found that Ms. Wagner testified that a 10 foot x 12 foot deck was built for the property owner and that the property owner refused to change the size of the deck to bring the deck into compliance with the Zoning Code.
3. The Board found that Ms. Wagner testified that the builder is prepared to remove the deck.
4. The Board found that Ms. Wagner testified that a building permit was obtained.
5. The Board asked the Applicant if she would like more time to prepare for her Application but she declined.
6. The Board found that no parties appeared in opposition to or in support of the Application.
7. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Applicant failed to meet the standards for granting a variance because the need for the variance was created by the Applicant and the Applicant could develop the Property in strict conformity with the Sussex County Zoning Code.

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 November 7, 2012.