

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

**IN RE: WILLIAM NOEL AND GAIL NOEL (Case No. 11061)**

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 side yard setback requirement.

Findings of Fact

The Board found that the Applicants were seeking a variance of 1.5 feet from the required 10 foot side yard setback requirement for a proposed addition, porch, and deck. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Route 54 (Lighthouse Road) east of Walnut Lane, being Lot 5 within Keen-Wik development; said property being identified as Sussex County Tax Map Parcel Number 5-33-19.12-103.00. After a hearing, the Board made the following findings of fact:


1. Woody Noel and David Noel were sworn in and testified on behalf of the Application.
2. The Board found that Woody Noel testified that the need for the addition is due to the Applicants' age.
3. The Board found that Woody Noel testified that the bedroom in the home is currently located on the second floor and that the bedroom in the home as proposed will be located on the first floor.
4. The Board found that Woody Noel testified that the proposed addition meets the Homeowners Association's setback requirements.
5. The Board found that Woody Noel testified that the variance will not alter the character of the neighborhood.
6. The Board found that Woody Noel testified that the variance will enable reasonable use of the Property.
7. The Board found that Woody Noel submitted a letter of support from the Homeowners Association.
8. The Board found that David Noel testified that the proposed size of the addition is required to keep the bedroom from being too narrow and unusable.
9. The Board found that no parties appeared in support of or in opposition to the Application.
10. The Board received one (1) letter in support of the Application.
11. 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 shape. The variance will enable reasonable use of the Property. The variance 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 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 November 7, 2012