

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: VIOLA LOEFFLER (Case No. 11073)

A hearing was held after due notice on October 15, 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 4.4 feet from the required 10 foot side yard setback requirement for an attached shed. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Route 54 (Lighthouse Road) east of Blue Teal Road, being Lot 28 Block B within Swann Keys development; said property being identified as Sussex County Tax Map Parcel Number 5-32-12.16-488.00. After a hearing, the Board made the following findings of fact:

1. Darrell Grier was sworn in and testified on behalf of the Application.
2. The Board found that Mr. Grier testified that the Property is located within the Swann Keys development and is a small lot.
3. The Board found that Mr. Grier testified that the shed is needed for additional storage.
4. The Board found that Mr. Grier testified that the variance will enable reasonable use of the Property as it will enable the Applicant to store a lawnmower and a water heater.
5. The Board found that Mr. Grier testified that the variance will not be detrimental to public welfare.
6. The Board found that Mr. Grier testified that the variance will not alter the essential character of the neighborhood.
7. The Board found that Mr. Grier testified that he prefers to build an attached shed with a fire rated wall.
8. The Board found that Mr. Grier testified that the water heater is stored in the shed.
9. The Board found that Mr. Grier testified that the location of the water heater creates easier access for the homeowner.
10. The Board found that Mr. Grier testified that the water heater would have to be relocated if the variance is not approved.
11. The Board found that Mr. Grier testified that the shed is on a cement foundation.
12. The Board found that Mr. Grier testified that there is no harm to the public welfare.
13. The Board found that Mr. Grier testified that there will be no negative effect on neighboring properties.
14. The Board found that Mr. Grier testified that there is still adequate parking for the lot.
15. The Board found that Susan Isaacs of the Planning & Zoning Department stated that the Applicant received approval for the location of steps and an HVAC unit in August 2012 and that it was discovered that the shed would also need a variance.
16. The Board found that no parties appeared in support of or in opposition to the Application.
17. 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

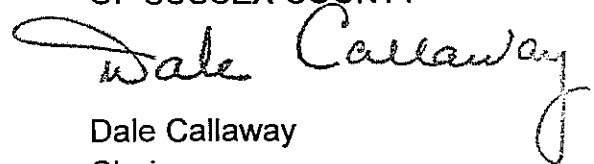
standards for granting a variance. The Property is unique in size. The variance will enable reasonable use of the Property. The variance will not alter the essential character of the neighborhood. The variance sought is the minimum variance to afford relief.

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, and Mr. Norman Rickard. Mr. John Mills 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 2, 2012.