

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CHARLES CARROLL (Case No. 11074)

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 a proposed porch roof over steps. 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 Mallard Drive, being Lot 4 Block H within Swann Keys development; said property being identified as Sussex County Tax Map Parcel Number 5-33-12.16-139.00. After a hearing, the Board made the following findings of fact:

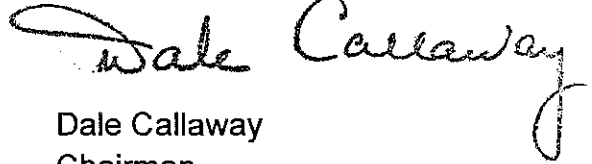
1. Darrell Grier was sworn in and testified on behalf of the Application.
2. The Board found that Mr. Grier testified that the Property is located within the Swann Keys development and is a small lot.
3. The Board found that Mr. Grier testified that the stairs to the dwelling encroach into the setback area and that the Applicant wants to place a roof over the steps.
4. The Board found that Mr. Grier testified that the steps have been built to support a lift.
5. The Board found that Mr. Grier testified that the Applicant has suffered a broken back and that the Applicant's condition may result in the need for a wheelchair.
6. The Board found that Mr. Grier testified that the proposed roof will provide needed shelter.
7. The Board found that Mr. Grier testified that all other structures on the lot comply with required setback requirements.
8. The Board found that Mr. Grier testified that the Applicant's disability creates a unique situation.
9. The Board found that Mr. Grier testified that the variance will not alter the essential character of the neighborhood.
10. The Board found that Mr. Grier testified that the difficulty was not created by the Applicant.
11. The Board found that Mr. Grier testified that the variance sought is the minimum variance to afford relief.
12. The Board found that Mr. Grier testified that the Applicant has no intention of enclosing the structure.
13. The Board found that Mr. Grier submitted a letter from the Applicant.
14. The Board found that no parties appeared in support of or in opposition to the Application.
15. 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 need for the variance was not created by the Applicant. 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.