

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CHARLES LIMMER (Case No. 11085)

A hearing was held after due notice on November 5, 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 rear yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 5 feet from the 20 foot rear yard setback requirement for a proposed porch, a variance of 3.4 feet from the 10 foot side yard setback requirement for a proposed HVAC unit, a 0.4 foot variance from the 10 foot side yard setback requirement for a proposed dwelling, a 2.4 foot variance from the required 10 foot side yard setback requirement for a proposed attached garage, and a 5 foot variance from the 10 foot side yard setback requirement for proposed covered steps. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located south of Route 54 (Lighthouse Road) east of Tyler Avenue, being Lot 41 within Cape Windsor development; said property being identified as Sussex County Tax Map Parcel Number 5-33-20.18-69.00. After a hearing, the Board made the following findings of fact:

1. Charles Limmer and Darrell Grier were sworn in and testified on behalf of the Application.
2. The Board found that Mr. Grier testified that the Property is located within the Cape Windsor development.
3. The Board found that Mr. Grier testified that the proposed dwelling is being constructed to provide first floor living space and that the design will also be handicap accessible.
4. The Board found that Mr. Grier testified that the Applicant plans to retire and live at this location.
5. The Board found that Mr. Grier testified that the rear yard variance will allow room for parking.
6. The Board found that Mr. Grier testified that the difficulty was not created by the Applicant as Cape Windsor was developed as a manufactured home community.
7. The Board found that Mr. Grier testified that the Property cannot be built in strict conformity with the Sussex County Zoning Ordinance.
8. The Board found that Mr. Grier testified that the variances will enable reasonable use of the Property.
9. The Board found that Mr. Grier testified that the variances will not alter the character of the neighborhood.
10. The Board found that Mr. Grier testified that the variances requested are the minimum variances necessary to afford relief.
11. The Board found that Mr. Grier testified that the dwelling cannot meet the setback requirements due to the larger doorways.
12. The Board found that Mr. Grier testified that he tells homeowners that they must work within the setback requirements.
13. The Board found that the Applicant submitted pictures of the Property to the Board.
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 failed to meet the standards for granting a variance. The Board found that hardship was created by the Applicant because the Applicant could build within the setback area

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. Norman Rickard., and Mr. Brent Workman. Mr. Jeffrey Hudson and Mr. John Mills voted against the Motion to Deny the Application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


Dale Callaway
Chairman

Date December 11, 2012