

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: STEVE WEIK (Case No. 11096)

A hearing was held after due notice on November 19, 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 front yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 10.4 feet from the 30 foot front yard setback requirement for a proposed handicap ramp and a variance of 0.7 feet from the 30 foot front yard setback requirement for an existing dwelling. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located west of Route 14 southeast of West Yorkshire Road, being Lot 18 Block F within Shawnee Acres development; said property being identified as Sussex County Tax Map Parcel Number 3-30-11.00-251.00. After a hearing, the Board made the following findings of fact:

1. Steve Weik was sworn in and testified on behalf of the Application.
2. The Board found that Mr. Weik testified that the ramp is needed for the disabled resident.
3. The Board found that Mr. Weik testified that the location of the ramp was determined by the existing location of the driveway and cost to build the ramp.
4. The Board found that Mr. Weik testified that there is limited access at the rear of the dwelling to allow access for a wheelchair.
5. The Board found that Mr. Weik testified that it would not be feasible to redesign the handicap ramp.
6. The Board found that Mr. Weik testified that the need for the variances was not created by the Applicant.
7. The Board found that Mr. Weik testified that three (3) individuals reside in the dwelling and one of those individuals uses a wheelchair and one of the residents uses a cane.
8. The Board found that Mr. Weik testified that the variances sought will not alter the character of the neighborhood.
9. The Board found that Mr. Weik testified that the variances sought are the minimum variances necessary to afford relief.
10. The Board found that Mr. Weik submitted a letter from Chimes Delaware supporting the Application.
11. The Board found that Susan Isaacs of the Office of the Planning & Zoning stated that the dwelling was approved for a front yard variance in 1984 but there is a discrepancy between the survey from 1984 and the current survey. Mrs. Isaacs stated that the front yard variance for the dwelling was included in the Application to clear up that discrepancy.
12. The Board found that no parties appeared in support of or in opposition to the Application.
13. 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 need for the location of the handicap ramp makes the Property unique. The Property cannot be developed in strict conformity with the Sussex County Zoning Code. The variances will enable reasonable use of the Property. The variances will not alter the essential character of the neighborhood. The variances sought are the minimum variances necessary to afford relief as the variances will provide the occupants

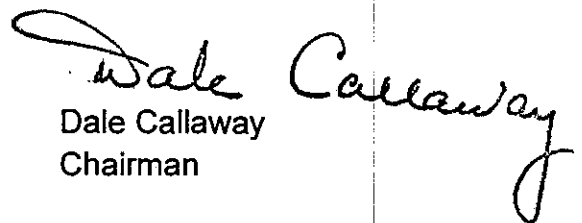
with better access to the dwelling. The variances will not be detrimental to public welfare.

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, Mr. Norman Rickard, and Mr. Brent Workman. 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 December 11, 2012