

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SAMANTHA HAAS (Case No. 11108)

A hearing was held after due notice on December 10, 2012. The Board members present were: 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 front yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 14.1 feet from the 30 feet front yard setback requirement for an existing detached garage. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Oak Orchard Road west corner of Orchard Manor and Circle Drive, being Lot 42A Section II within Orchard Manor development; said property being identified as Sussex County Tax Map Parcel Number 2-34-34.08-147.00. After a hearing, the Board made the following findings of fact:

1. Keith Haas was sworn in and testified on behalf of the Application.
2. Shannon Carmean, Esquire, appeared and presented the Application on behalf of the Applicant.
3. The Board found that Ms. Carmean stated that the Applicant purchased the Property in September 2012.
4. The Board found that Ms. Carmean stated that a variance was granted in 1991 for the detached garage on the Property.
5. The Board found that Ms. Carmean stated that the previous owner passed away in 2011.
6. The Board found that Ms. Carmean stated that a survey completed for settlement when the Applicant purchased the Property showed the encroachment.
7. The Board found that Ms. Carmean stated that the previous owners were never aware that the detached garage did not comply with the granted variance.
8. The Board found that Ms. Carmean stated that the previous owner's contractor placed the garage too close to the property line.
9. The Board found that Ms. Carmean stated that a Certificate of Compliance was issued for the detached garage.
10. The Board found that Ms. Carmean stated that the Property is unique in shape.
11. The Board found that Ms. Carmean stated that the difficulty was not created by the Applicant.
12. The Board found that Ms. Carmean stated that the variance will not alter the character of the neighborhood since the garage has been in place since 1991.
13. The Board found that Ms. Carmean stated that the Property cannot be developed in strict conformity with the Sussex County Zoning Regulations.
14. The Board found that Ms. Carmean stated that the Applicant would have to remove the garage to comply with the zoning regulations.
15. The Board found that Ms. Carmean stated that the variance is necessary to enable reasonable use of the Property.
16. The Board found that Ms. Carmean stated that the variance is the minimum variance to afford relief.
17. The Board found that Mr. Haas, under oath, affirmed the statements of Ms. Carmean as true and correct.
18. The Board found that no parties appeared in support of or in opposition to the Application.

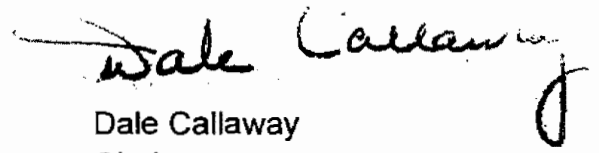
19. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The Property is unique in shape. The Property cannot be developed in strict conformity with the Sussex County Zoning Regulations. The difficulty was not created by the Applicant. The variance will not alter the essential character of the neighborhood. The variance sought is the minimum variance necessary 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. 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 January 8, 2013.