

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DOROTHY ABBS (Case No. 11109)

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 variances of the side yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 6.9 feet from the 10 foot side yard setback requirement for an existing porch, a variance of 8.2 feet from the 10 foot side yard setback requirement for an existing non-conforming dwelling, and a variance of 0.2 feet from the 5 feet side yard setback requirement for an existing shed. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located north of Route 16 (Broadkill Road) southeast of North Carolina Avenue, being Lot 20 within Broadkill Beach development; said property being identified as Sussex County Tax Map Parcel Number 2-35-3.16-97.00. After a hearing, the Board made the following findings of fact:

1. Dorothy Abbs was sworn in and testified on behalf of the Application.
2. The Board found that Ms. Abbs testified that her father purchased the Property in 1963 and that she inherited the Property 25 years ago.
3. The Board found that Ms. Abbs testified that the porches on the Property were in poor shape and needed repair and that she rebuilt the porches on the same location as the existing porches.
4. The Board found that Ms. Abbs testified that the builder obtained the building permit.
5. The Board found that Ms. Abbs testified that the Property is unique since the existing structures are non-conforming and existed prior to the enactment of the Sussex County Zoning Code.
6. The Board found that Ms. Abbs testified that the Property cannot be developed in strict conformity with the Sussex County Zoning Regulations.
7. The Board found that Ms. Abbs testified that the variances will enable reasonable use of the Property.
8. The Board found that Ms. Abbs testified that the variances will not be detrimental to public welfare.
9. The Board found that Ms. Abbs testified that the variances are the minimum variances necessary to afford relief.
10. The Board found that Ms. Abbs testified that Tiger Construction built the porches and she can provide an address to the Planning & Zoning Office.
11. The Board found that Ms. Abbs submitted two (2) letters in support of the Application.
12. The Board found that one (1) party appeared in support of the Application.
13. The Board found that no parties appeared in opposition to the Application.
14. The Board found that the Office of Planning & Zoning received one (1) letter in support of 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 since it has non-conforming structures which pre-date the Sussex County Zoning Code. The Property cannot be developed in strict conformity with the Sussex County Zoning Code. The variances is necessary to enable reasonable use of the Property.


The difficulty was not created by the Applicant. The variances will not alter the essential character of the neighborhood. The variances sought are the minimum variances 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.