

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: WILLIAM FISCHER AND PHYLLIS FISCHER (Case No. 11113)

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 Applicants were seeking a variance of 12.2 feet from the front yard setback requirement for a proposed addition to an existing porch. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Route 1 (Coastal Highway) northwest of Elizabeth Avenue, being Lot 8 within Ann Acres development; said property being identified as Sussex County Tax Map Parcel Number 3-34-20.13-113.00. After a hearing, the Board made the following findings of fact:

1. William Fischer and Phyllis Fischer were sworn in and testified on behalf of the Application.
2. The Board found that Ms. Fischer testified that the Applicants purchased the Property in 2003 with a 900 square feet dwelling located thereon.
3. The Board found that Ms. Fischer testified that in 2010 the Applicants constructed a larger dwelling on the Property.
4. The Board found that Ms. Fischer testified that the proposed addition will only extend out as far as the existing steps and that the addition will make the porch a more usable space.
5. The Board found that Ms. Fischer testified that the large pillars on the porch take up a lot of space on the existing porch.
6. The Board found that Ms. Fischer testified that the dwelling in its current state looks drab and unfinished.
7. The Board found that Ms. Fischer testified that the variance will not alter the character of the neighborhood and that the variance will be an improvement to the neighborhood.
8. The Board found that Ms. Fischer testified that the pillars securing the second floor limit the usable space on the existing slab.
9. The Board found that Ms. Fischer also submitted pictures to the Board.
10. The Board found that Mr. Fischer testified that the original bungalow on the Property has been upgraded to a two (2) story dwelling.
11. The Board found that Mr. Fischer testified that the Applicants want to use the porch but it is not useful now due to the existing pillars.
12. The Board found that Mr. Fischer testified that the variance is necessary to enable reasonable use of the Property because the house looks unfinished due to the existing concrete slab.
13. The Board found that Mr. Fischer testified that the Applicants have consulted with contractors.
14. The Board found that Mr. Fischer testified that the variance will not alter the character of the neighborhood.
15. The Board found that Mr. Fischer testified that the variance requested will not impact any neighboring or adjacent properties.
16. The Board found that Mr. Fischer testified that the variance requested is the minimum variance necessary to afford relief.

17. The Board found that Ms. Fischer testified that contractors believe that the proposed addition will allow for a uniform look to the dwelling.
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. The variance is necessary to enable reasonable use of the Property. The difficulty was not created by the Applicants. The variance will not alter the essential character of the neighborhood. The variance sought is the minimum variance to afford relief. The variance requested represents the least modification of the regulation at issue.

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.