

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JOSEPH MACHOVEC (Case No. 11120)

A hearing was held after due notice on December 17, 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 a variance of the front yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 4.7 feet from the 30 feet front yard setback requirement for a proposed covered porch. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Route 54 (Lighthouse Road) north of Breakwater Run, being Lot 157 Phase II within Keenwick Sound development; said property being identified as Sussex County Tax Map Parcel Number 5-33-19.00-476.00. After a hearing, the Board made the following findings of fact:

1. Joseph Machovec was sworn in and testified on behalf of the Application.
2. James Fuqua, Esquire, appeared and presented the Application on behalf of the Applicant.
3. The Board found that Mr. Fuqua stated that the Applicant is requesting a variance of 4.7 feet from the 30 feet front yard setback requirement for a proposed covered porch.
4. The Board found that Mr. Fuqua stated that the Property is located within Keenwick Sound development and that the lot is 116 feet deep.
5. The Board found that Mr. Fuqua stated that the Property is a through lot and has two (2) front yard setback requirements as the rear of the lot abuts Route 54 but has no access thereto.
6. The Board found that Mr. Fuqua stated that the existing dwelling was built within the building envelope.
7. The Board found that Mr. Fuqua stated that there have been similar variances granted on twelve (12) other lots in the development.
8. The Board found that Mr. Fuqua stated that the porch will enable reasonable use of the Property.
9. The Board found that Mr. Fuqua stated that the Property is a through lot which makes it unique.
10. The Board found that Mr. Fuqua stated that the variance will not alter the essential character of the neighborhood as there are similar porches in the neighborhood.
11. The Board found that Mr. Fuqua stated that the difficulty was not created by the Applicant as the Applicant did not create the lot.
12. The Board found that Mr. Fuqua stated that the variance is the minimum variance to afford relief.
13. The Board found that Mr. Fuqua submitted exhibits in support of the Application.
14. The Board found that Mr. Machovec, under oath, confirmed the statements by Mr. Fuqua.
15. The Board found that no parties appeared in support of or in opposition to the Application.
16. 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 a through lot which makes it unique. The variance is necessary to enable reasonable use of the Property.

The variance will not alter the essential character of the neighborhood. The variance sought is the minimum variance to afford relief. The variance represents the least modification of the regulation in 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. 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 January 29, 2013