

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: LINDA CRAWFORD (Case No. 11124)

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 side yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 5.6 feet from the 15 foot side yard setback requirement for an existing dwelling. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located northeast of Route 1 (Coastal Highway) southeast of Heron Circle, being Lot 15 within Willow Creek development; said property being identified as Sussex County Tax Map Parcel Number 2-35-23.00-73.00. After a hearing, the Board made the following findings of fact:

1. Linda Crawford, John Crawford and John Fellenhomer were sworn in and testified on behalf of the Application.
2. The Board found that Mr. Crawford testified that the existing dwelling was built in 1988 and that the Applicants purchased the Property in 2004.
3. The Board found that Mr. Crawford testified that the Applicants submitted plans to Sussex County Building Code in 2010 to construct an addition.
4. The Board found that Mr. Crawford testified that a survey shows that the existing dwelling encroaches into the side yard setback.
5. The Board found that Mr. Crawford testified that the Applicants were not aware of the encroachment until they applied for a Certificate of Compliance.
6. The Board found that Mr. Crawford testified that the new addition was built on the opposite side of the existing dwelling and does not encroach into the setback area.
7. The Board found that Mr. Crawford testified that the portion of the dwelling which encroaches into the setback area was constructed in 1988.
8. The Board found that Mr. Crawford testified that the variance is necessary to enable reasonable use of the Property.
9. The Board found that Mr. Crawford testified that the Applicant would have to remove five (5) feet off the side of the dwelling in order to comply with the setback requirements.
10. The Board found that Mr. Crawford testified that the difficulty was not created by the Applicant.
11. The Board found that Mr. Crawford testified that the adjacent neighbor supports 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 in shape. The variance is necessary to enable reasonable use of the Property. 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. 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