

## **BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

### **IN RE: WILLIAM SHARP & KIMBERLY SHARP (Case No. 11131)**

A hearing was held after due notice on January 7, 2013. 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 from the separation requirement between units.

#### Findings of Fact

The Board found that the Applicants were seeking a variance of 7.2 feet from the 40 feet separation between units requirement for a proposed screen porch and deck. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Road 22 (Long Neck Road) northeast of Brockton Pass, being Unit B12-5 within Fairfield at Long Neck development; said property being identified as Sussex County Tax Map Parcel Number 2-34-20.00-8.00-Unit B12-5. After a hearing, the Board made the following findings of fact:

1. William Sharp was sworn in and testified on behalf of the Application.
2. The Board found that Mr. Sharp testified that he purchased the Property in October 2012 and that the Property is located within the Fairfield at Long Neck development.
3. The Board found that Mr. Sharp testified that the development was created by Anderson Homes in 2004 or 2005.
4. The Board found that Mr. Sharp testified that variances for three (3) similar decks in the neighborhood were approved by the Board in 2009.
5. The Board found that Mr. Sharp testified that there are seven (7) units to a building and he owns one (1) unit.
6. The Board found that Mr. Sharp testified that the proposed deck will measure ten (10) feet by ten (10) feet and the proposed screen porch will measure ten (10) feet by ten (10) feet.
7. The Board found that Mr. Sharp testified that the Homeowners Association has approved the proposed plan.
8. The Board found that Mr. Sharp testified that the proposed screen porch and deck are consistent with others found in the development.
9. The Board found that Mr. Sharp submitted to the Board pictures of the Property and surrounding areas and an email from the Homeowners Association President stating preliminary approval has been granted by the Homeowners Association.
10. The Board found that Mr. Sharp testified that the neighbors all have decks but his unit is unique because it is less than forty (40) feet from his neighbor.
11. The Board found that Mr. Sharp testified that the variance is necessary to enable reasonable use of the Property.
12. The Board found that Mr. Sharp testified that the difficulty was not created by the Applicant because he did not create the development.
13. The Board found that Mr. Sharp testified that the variance will not alter the character of the neighborhood because there are other similar decks in the neighborhood.
14. The Board found that Mr. Sharp testified that the variance will not be detrimental to the public welfare.

15. The Board found that Mr. Sharp testified that the variance is the minimum variance necessary to afford relief as the proposed deck and porch is no bigger than other decks in the neighborhood.
16. The Board found that one (1) party appeared in support of the Application.
17. The Board found that no parties appeared in opposition to the Application.
18. 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 separation requirement for his unit creates uniqueness. 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 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 30, 2013