

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: LISA AMBROSE (Case No. 11133)

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 variances from the front yard, side yard, and rear yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 3.2 feet from the 10 feet front yard setback requirement for a proposed shed, a variance of 0.2 feet from the 10 feet side yard setback requirement for an existing manufactured home, a variance of 4.3 feet from the 10 feet side yard setback requirement for proposed steps and roof, and a variance of 5 feet from the 10 feet rear yard setback requirement for a proposed deck, steps, and roof. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located north of Route 54 (Lighthouse Road) west of Swann Drive, being Lot 31 within Swann Keys development; said property being identified as Sussex County Tax Map Parcel Number 5-33-12.16-519.00. After a hearing, the Board made the following findings of fact:

1. James Clark was sworn in and testified on behalf of the Application.
2. The Board found that Mr. Clark testified that he is an architect hired by the Applicant's builder.
3. The Board found that Mr. Clark testified that the Property is located within the Swann Keys development.
4. The Board found that Mr. Clark testified that there is a long walkway on the south side of the Property and the Applicant wants to cover the walkway with a roof to provide cover during rain storms because the Applicant has experienced issues with rain.
5. The Board found that Mr. Clark testified that the Applicant does not propose to place any walls on the walkway in the side yard and simply plans to use the roof extension as cover for the walkway.
6. The Board found that Mr. Clark testified that the Property is unique since the manufactured home is located on the building setback line.
7. The Board found that Mr. Clark testified that there are outbuildings on the street side of the Property and that the Applicant seeks to place a garage on the street side of the Property.
8. The Board found that Mr. Clark testified that the proposed garage is to be located where the existing outbuildings are located.
9. The Board found that Mr. Clark testified that the proposed attached garage can be built smaller.
10. The Board found that Mr. Clark testified that the shed is not a permanent foundation and has a wood floor.
11. The Board found that Mr. Clark testified that there is currently space between the existing shed and the dwelling.
12. The Board found that Mr. Clark testified that the existing shed will be removed and replaced with the garage which will connect to the dwelling.
13. The Board found that Mr. Clark testified that the Applicant wants to make the garage an extension of the dwelling.
14. The Board found that Mr. Clark testified that the proposed garage will be too small for a car.


15. The Board found that Mr. Clark testified that the Applicant does not seek to enclose the porch.
16. The Board found that Mr. Clark testified that the Property cannot be developed in strict conformity with the Sussex County Zoning Ordinance because the space cannot be enclosed without a variance.
17. The Board found that Mr. Clark testified that the proposed variances will not alter the character of the neighborhood.
18. The Board found that Mr. Clark testified that the proposed roof and attached garage will enhance the appearance of the site.
19. The Board found that Mr. Clark testified that he has not been to the site but he has seen pictures of the Property.
20. The Board found that Mr. Clark testified that the deck in the rear yard is attached to the dwelling.
21. The Board found that Mr. Clark testified that he is not sure where cars will park on the site because the space to park cars is limited.
22. The Board found that no parties appeared in support of or in opposition to the Application.
23. The Board tabled its decision on this Application until its meeting on January 28, 2013.
24. At its meeting on January 28, 2013, the Board discussed the Application.
25. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application failed to meet the standards for granting a variance. The Board found that the Applicant is creating her own hardship and that the Property can otherwise be developed in strict conformity with the Sussex County Zoning Ordinance.

The Board denied the variance application finding that it failed to meet the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the Application was denied. The Board Members voting to deny 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 Deny the Application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


Dale Callaway
Chairman

Date February 19, 2013