

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: RACHEL DOUGLAS (Case No. 11135)

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 side yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 2.5 feet from the 10 foot side yard setback requirement for a shed roof over an existing deck. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Road 277 (Angola Road) north of Woodland Court North, being Lot 60 Block J Section 2 within Angola by the Bay development; said property being identified as Sussex County Tax Map Parcel Number 2-34-12.17-122.00. After a hearing, the Board made the following findings of fact:

1. Jason Lambros was sworn in and testified on behalf of the Application.
2. The Board found that Mr. Lambros testified that he is the contractor for the Applicant and that he made a mistake when constructing the roof by not considering the setback requirements.
3. The Board found that Mr. Lambros testified that the roof will provide protection from the weather and is necessary to enable reasonable use of the Property.
4. The Board found that Mr. Lambros testified that the error was discovered when he applied for the Certificate of Compliance.
5. The Board found that Mr. Lambros testified that the front door to the dwelling is on the side of the dwelling which creates a unique situation.
6. The Board found that Mr. Lambros testified that the variance is necessary to enable reasonable use of the Property.
7. The Board found that Mr. Lambros testified that the variance is not detrimental to public welfare.
8. The Board found that Mr. Lambros testified that the variance will improve the character of the neighborhood.
9. The Board found that Mr. Lambros submitted pictures in support of the Application.
10. The Board found that two (2) parties appeared in support of the Application.
11. The Board found that no parties appeared in opposition to the Application.
12. 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 due to the small rear yard. 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 30, 2013