

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

**IN RE: SAMUEL PIERCE and DORIS PIERCE**

**(Case No. 11159)**

A hearing was held after due notice on February 18, 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 side yard and front yard setback requirements.

**Findings of Fact**

The Board found that the Applicants were seeking a variance of 5 feet from the 10 feet side yard setback requirement for an existing attached storage shed and a variance of 5 feet from the 30 feet front yard setback requirement for an existing dwelling. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property located south of Route 54 (Lighthouse Road) east of Keenwik Road, being Lot 11, Block G, Section 3 within Keenwik development; said property being identified as Sussex County Tax Map Parcel Number 5-33-20.09-71.00. After a hearing, the Board made the following findings of fact:

1. Samuel Pierce and Doris Pierce were sworn in to testify on behalf of the Application.
2. The Board found that Mr. Pierce testified that the Applicants sought the variances for a storage shed attached to his dwelling and that the attached shed has vinyl siding to match the dwelling.
3. The Board found that Mr. Pierce testified that the dwelling was built in 1999 and was designed by an architect.
4. The Board found that Mr. Pierce testified that a building permit and a Certificate of Compliance were issued for the dwelling.
5. The Board found that Mr. Pierce testified that the development has a twenty five (25) feet front yard setback requirement.
6. The Board found that Mrs. Pierce testified that they were not aware of the encroachment for the dwelling until they applied for the variance for the attached shed and that they were not aware the Sussex County restrictions superseded the Keenwik development's restrictions.
7. The Board found that Mrs. Pierce testified that to move the shed into compliance would be a hardship.
8. The Board found that Mr. Pierce testified that the variances will enable reasonable use of the Property.
9. The Board found that Mr. Pierce testified that the difficulty was not created by the Applicants.
10. The Board found that Mr. Pierce testified that the variances will not alter the character of the neighborhood.
11. The Board found that Mr. Pierce testified that the variances are not detrimental to the public welfare and that the variances are the minimum variances to afford relief.
12. The Board found that Mr. and Mrs. Pierce submitted pictures to support the Application.
13. The Board found that no parties appeared in support of or in opposition to the Application.

14. 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 only fifty (50) feet wide making it unique in size. The Property cannot be developed in strict conformity with the Sussex County Zoning Code. The difficulty was not created by the Applicants. The variances will not alter the essential character of the neighborhood since the dwelling has been in its current location since 1999 after Sussex County issued a certificate of compliance. The variances sought are the minimum variances 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 March 19, 2013