

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: FRANCIS CLAMER AND DEBBIE CLAMER

(Case No. 11164)

A hearing was held after due notice on March 4, 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 rear yard, side yard and front yard setback requirements.

Findings of Fact

The Board found that the Applicants were seeking a variance of 18 feet from the 30 feet front yard setback requirement, a variance of 4.2 feet from the 10 feet side yard setback requirement and a variance of 7.7 feet from the 10 feet rear yard setback requirement for a proposed dwelling. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property located south of Road 358 (Sandy Cove Road) approximately 1,480 feet west of Road 357 (Cedar Neck Road); said property being identified as Sussex County Tax Map Parcel Number 1-34-9.00-413.00. After a hearing, the Board made the following findings of fact:

1. Debbie Clamer was sworn in to testify on behalf of the Application.
2. The Board found that Ms. Clamer testified that the existing dwelling on the Property was relocated to the Property by the previous owner and that the existing dwelling is non-conforming.
3. The Board found that Ms. Clamer testified that the existing dwelling was built in the 1940s.
4. The Board found that Ms. Clamer testified that she plans to demolish the existing dwelling and replace it with a modular dwelling.
5. The Board found that Ms. Clamer testified that they plan to use the existing footers and foundation from the existing dwelling for the new dwelling.
6. The Board found that Ms. Clamer testified that the dwelling will be larger on the east side of the Property.
7. The Board found that Ms. Clamer testified that the Property is irregular in shape and the Applicants are limited in what they can do with the lot.
8. The Board found that Ms. Clamer testified that a ten (10) feet water easement runs along the front property line.
9. The Board found that Ms. Clamer testified that the proposed location of the dwelling will keep the dwelling a safe distance from the road.
10. The Board found that Ms. Clamer testified that the Property is located adjacent to a curve in the road and drivers have driven into their yard.
11. The Board found that Ms. Clamer testified that the proposed steps and deck will be located on the east side of the Property.
12. The Board found that Ms. Clamer testified that the existing crawlspace will not remain.
13. The Board found that Ms. Clamer testified that the neighbors have all replaced manufactured homes with modular dwellings.
14. The Board found that Ms. Clamer testified that the variances will enable reasonable use of the Property.
15. The Board found that Ms. Clamer testified that the variances will not alter the character of the neighborhood.

16. The Board found that Ms. Clamer testified that the use will not be detrimental to public welfare.
17. The Board found that Ms. Clamer testified that the proposed dwelling will be twenty-six (26) feet wide.
18. The Board found that no parties appeared in support of or in opposition to the Application and that the Office of Planning & Zoning did not receive any correspondence related to this Application.
19. The Board found that no parties appeared in support of or in opposition to the Application. 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 its triangular shape. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicants. The variances will not alter the essential character of the neighborhood. 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 April 2, 2013