

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CHARLES AUNGST

(Case No. 11170)

A hearing was held after due notice on March 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 a variance from the front yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of .4 feet from the 30 feet front yard setback requirement for a proposed detached carport. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Road 341 (Falling Point Road) south of South Dogwood Drive, being Lot 250, Section 4, within Dogwood Acres development; said property being identified as Sussex County Tax Map Parcel Number 1-34-6.00-258.00. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning and Zoning received an email from a neighbor who did not object to the front yard variance request but wants the garage to respect the side yard setback requirement.
2. Charles Aungst was sworn in to testify on behalf of the Application.
3. The Board found that Mr. Aungst testified that the proposed detached carport will measure 21 feet by 21 feet.
4. The Board found that Mr. Aungst testified that the development is a wooded grove.
5. The Board found that Mr. Aungst testified that when he purchased the Property the manufactured home already existed in its current location and that the new septic system was placed in the rear of the Property.
6. The Board found that Mr. Aungst testified that the proposed carport is needed to protect his boats from falling branches.
7. The Board found that Mr. Aungst testified that the placement of the manufactured home creates a unique situation as it is placed parallel to the road and leaves little space on the sides of the dwelling.
8. The Board found that Mr. Aungst testified that the carport can only be placed in the front yard.
9. The Board found that Mr. Aungst testified that the proposed carport cannot be built in strict conformity with the Sussex County Zoning Code due to the existing manufactured home and the existing septic system.
10. The Board found that Mr. Aungst testified that the difficulty was not created by the Applicant since the manufactured home and septic system already existed when the Applicant purchased the Property.
11. The Board found that Mr. Aungst testified that the variance will not alter the essential character of the neighborhood and that there are other similar carports in the neighborhood.
12. The Board found that Mr. Aungst testified that the carport would be located ten (10) feet from the side yard property line.
13. The Board found that Mr. Aungst testified that the variance will not be detrimental to public welfare and that the variance request is the least modification possible of the regulation in issue.
14. The Board found that Mr. Aungst testified that the carport is of a standard length.

15. The Board found that Mr. Aungst testified that the variance is the minimum variance to afford relief.
16. The Board found that Mr. Aungst submitted exhibits for the Board to review.
17. The Board found that no parties appeared in support of or 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 Property is located in a wooded community and the Applicant needs a carport to protect his property. The variance is necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant because the dwelling and the septic system were placed on the Property by a prior owner. The variance will not alter the essential character of the neighborhood.

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 16, 2013