

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

**IN RE: STEPHEN LEVINE**

**(Case No. 11175)**

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 variances from the side yard and rear yard setback requirements.

**Findings of Fact**

The Board found that the Applicant was seeking a variance of 3.5 feet from the 5 feet side yard setback requirement and a variance of 3.7 feet from the 5 feet rear yard setback requirement for a shed. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located south of Route 1 (Coastal Highway) south of Rogers Avenue, being Lot 13, Block B, within Ann Acres development; said property being identified as Sussex County Tax Map Parcel Number 3-34-20.13-55.00. After a hearing, the Board made the following findings of fact:


1. Ann Kirby was sworn in to testify on behalf of the Application.
2. The Board found that Ms. Kirby testified that the Property is unique because it is only fifty (50) feet wide and the existing dwelling takes up the majority of buildable space.
3. The Board found that Ms. Kirby testified that the shed cannot be placed in strict conformity of the setback requirements.
4. The Board found that Ms. Kirby testified that the variances are necessary to enable reasonable use of the Property.
5. The Board found that Ms. Kirby testified that the difficulty was not created by the Applicant.
6. The Board found that Ms. Kirby testified that the poor design by the builder did not allow any space for storage on the Property.
7. The Board found that Ms. Kirby testified that the variances will not alter the character of the neighborhood and that the variances are not detrimental to the public welfare.
8. The Board found that Ms. Kirby testified that the shed cannot be seen by the adjacent property owners.
9. The Board found that Ms. Kirby testified that the variances are the minimum variances to afford relief.
10. The Board found that Ms. Kirby submitted pictures for the Board to review.
11. The Board found that one (1) party appeared in support of the Application.
12. The Board found that no parties appeared in opposition to the Application.
13. 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 size of the Property is unique because it is only fifty feet wide. The Property cannot otherwise be developed in strict conformity with the Sussex County Zoning Code. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. 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 16, 2013