

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ROBERT MCDONALD & SHARON MCDONALD

(Case No. 11186)

A hearing was held after due notice on April 1, 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 rear yard setback requirement.

Findings of Fact

The Board found that the Applicants were seeking a variance of 2 feet from the 10 feet rear yard setback requirement for a proposed screen porch. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Route 54 (Lighthouse Road) south of Blue Indigo Road, being Lot 4678 within Americana Bayside; said property being identified as Sussex County Tax Map Parcel Number 5-33-19.00-1183.01. After a hearing, the Board made the following findings of fact:

1. Robert McDonald was sworn in to testify on behalf of the Application.
2. The Board found that Mr. McDonald testified that the Property is located at the extreme end of the subdivision.
3. The Board found that Mr. McDonald testified that there is a retention pond and berm located to the rear of his property.
4. The Board found that Mr. McDonald testified that the proposed screen porch cannot be seen from the road.
5. The Board found that Mr. McDonald testified that the neighbor on the adjacent property supports the Application.
6. The Board found that Mr. McDonald testified that the berm at the rear of the Property makes it unique.
7. The Board found that Mr. McDonald testified that the variance will not alter the essential character of the neighborhood.
8. The Board found that Mr. McDonald testified that the variance will not burden the neighborhood and that the variance is necessary to enable reasonable use.
9. The Board found that Mr. McDonald testified that the difficulty has been created by the Applicant because he thought he had enough room to build the porch but he measured the setback incorrectly.
10. The Board found that Mr. McDonald testified that he will not build a porch if the request is denied.
11. The Board found that no parties appeared in support of or 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 failed to meet the standards for granting a variance. The hardship has been created by the Applicants.

The Board denied the variance application finding that it failed to meet the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the Application was denied. The Board Members voting to deny the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Norman Rickard. Mr. Brent Workman voted against the Motion to Deny 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 May 7, 2013