

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ROBERT ROBINSON & BARBARA ROBINSON

(Case No. 11198)

A hearing was held after due notice on May 6, 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 and side yard setback requirements.

Findings of Fact

The Board found that the Applicants were seeking a variance of 0.40 feet from the thirty (30) feet front yard setback requirement for an existing dwelling and a variance of 0.42 feet from the ten (10) feet side yard setback requirement for an existing patio deck. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property located southeast of Woodland Circle 300 feet northwest of Marina Drive West, being Lot 35, Block E, Section 1, within Angola By The Bay, south of Road 277 (Angola Road); said property being identified as Sussex County Tax Map Parcel Number 2-34-17.08-126.00. After a hearing, the Board made the following findings of fact:

1. Cynthia Baker, a realtor, was sworn in to testify about the Application.
2. Elizabeth Soucek, Esquire, presented the case to the Board on behalf of the Applicants.
3. The Board found that Ms. Soucek submitted affidavits of the Applicants to the Board for review.
4. The Board found that Ms. Soucek stated that the Property is located in Angola by the Bay.
5. The Board found that Ms. Soucek stated that the Applicants purchased the Property in November 1977 and the dwelling was built in 1983.
6. The Board found that Ms. Soucek stated that the Applicants were never aware of the encroachment until a survey was completed for a pending sale of the Property.
7. The Board found that Ms. Soucek stated that the builder is deceased.
8. The Board found that Ms. Soucek stated that the Property is long and narrow making it unique.
9. The Board found that Ms. Soucek stated that the difficulty was not created by the Applicants.
10. The Board found that Ms. Soucek stated that the variances will enable reasonable use of the Property and that the variances are necessary in order to sell the Property.
11. The Board found that Ms. Soucek stated that the dwelling would need to be removed in order to bring the Property into compliance with the Zoning Code.
12. The Board found that Ms. Soucek stated that the variances will not alter the essential character of the neighborhood and that the Homeowners Association approves of the Application.
13. The Board found that Ms. Soucek stated that the Property cannot be otherwise developed and that the variances are the minimum variances to afford relief.
14. The Board found that Ms. Soucek stated that the variances will not be detrimental to the public welfare.

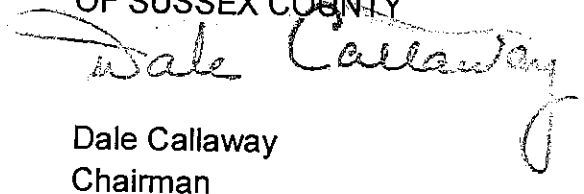
15. The Board found that Ms. Baker, under oath, confirmed the statements made by Ms. Soucek.
16. The Board found that one (1) party appeared in support of the Application.
17. The Board found that no parties appeared in opposition to the Application.
18. Based on the findings above and the testimony 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 unique in shape and it has a smaller front yard than rear yard. 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 June 18, 2013