

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: TRACEY HALVORSEN & AMY GOLDBERG

(Case No. 11211)

A hearing was held after due notice on May 20, 2013. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, 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 Applicants were seeking a variance of 11.8 feet from the thirty (30) feet front yard setback requirement for a proposed detached garage. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located east of Country Club Road west of Suffolk Road, being Lot 6, Block 10, Section B, within Rehoboth Beach Yacht and Country Club Subdivision; said property being identified as Sussex County Tax Map Parcel Number 3-34-19.00-933.00. After a hearing, the Board made the following findings of fact:

1. Tracey Halvorsen was sworn in to testify about the Application.
2. The Board found that Ms. Halvorsen testified that the proposed detached garage will measure twenty (20) feet by twenty two (22) feet.
3. The Board found that Ms. Halvorsen testified that there was no garage on the Property when purchased by the Applicants.
4. The Board found that Ms. Halvorsen testified that the Homeowners Association approves the location of the garage.
5. The Board found that Ms. Halvorsen testified that the Homeowners Association setback requirements differ from Sussex County requirements.
6. The Board found that Ms. Halvorsen testified that the Property is unique since there is no other location on the Property where the proposed garage could be placed.
7. The Board found that Ms. Halvorsen testified that the proposed garage cannot be built in strict conformity with the Sussex County Zoning Code.
8. The Board found that Ms. Halvorsen testified that the Applicants have limited the size of the garage.
9. The Board found that Ms. Halvorsen testified that the variance will enable reasonable use of the Property and provide added security to the Applicants.
10. The Board found that Ms. Halvorsen testified that the difficulty was not created by the Applicants.
11. The Board found that Ms. Halvorsen testified that the garage will not alter the character of the neighborhood.
12. The Board found that Ms. Halvorsen testified that the Applicants have been careful to design plans for the garage that suit the neighborhood and the proposed garage will not be detrimental to the public welfare.
13. The Board found that Ms. Halvorsen testified that the variance is the least modification possible to provide relief.
14. The Board found that Ms. Halvorsen testified that the Applicants are unable to attach the garage to the dwelling due to the existing layout of the dwelling.
15. The Board found that Ms. Halvorsen testified that the Applicants did not design or build the dwelling.

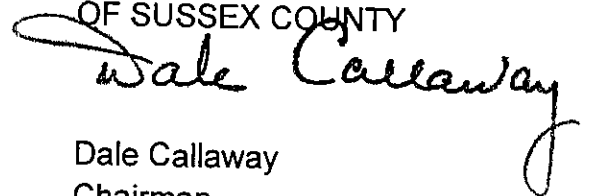
16. The Board found that Ms. Halvorsen testified that the Applicants looked at attaching the garage to the dwelling but it would cause greater harm to the house if it was attached rather than detached.
17. The Board found that three (3) parties appeared in support of the Application.
18. The Board found that no parties appeared in opposition to the Application.
19. The Board found that the Office of Planning & Zoning received two (2) letters in support of the Application.
20. 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 based on the following reasons. The placement of the existing dwelling creates a uniqueness to the Property. The Property is oddly shaped. The variance is necessary to enable reasonable use of the Property as it will allow the Applicants to place a garage on the Property. The difficulty was not created by the Applicants. 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, 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