

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY
IN RE: VICTORIA STARNES & JOHN EWALD

(Case No. 11212)

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 variances from the front yard and rear yard setback requirements

Findings of Fact

The Board found that the Applicants were seeking a variance of 0.8 feet from the thirty (30) feet front yard setback requirement for an existing dwelling and a variance of 11.3 feet from the twenty (20) feet rear yard setback requirement for a proposed addition. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property located west of Bald Eagle Drive north of Third Street, being Lots 126 & 127, within Bay Vista Subdivision; said property being identified as Sussex County Tax Map Parcel Number 3-34-19.16-33.01. After a hearing, the Board made the following findings of fact:

1. Matthew Dotterer was sworn in to testify about the Application.
2. The Board found that Mr. Dotterer testified that the Applicants purchased the Property in 2007 and that the existing dwelling was non-conforming at that time.
3. The Board found that Mr. Dotterer testified that the dwelling is in the same location as when the Property was purchased.
4. The Board found that Mr. Dotterer testified that the existing gazebo, shed and deck will be removed.
5. The Board found that Mr. Dotterer testified that the Property is a corner lot with angled road frontage in the front yard making it unique.
6. The Board found that Mr. Dotterer testified that the setback requirements are greater than a standard lot.
7. The Board found that Mr. Dotterer testified that the Property cannot be developed in strict conformity because the existing dwelling is non-conforming.
8. The Board found that Mr. Dotterer testified that the variances are necessary to enable reasonable use of the Property.
9. The Board found that Mr. Dotterer testified that the difficulty was not created by the Applicants because the dwelling was built by a prior owner.
10. The Board found that Mr. Dotterer testified that the variances will not alter the character of the neighborhood because the addition will blend in with the neighborhood and may increase the property values of adjacent properties.
11. The Board found that Mr. Dotterer testified that the variances will not be detrimental to the public welfare.
12. The Board found that Mr. Dotterer testified that the variances are the least modifications necessary to afford relief and that the variances are the minimum variances necessary to afford relief.
13. The Board found that two (2) parties appeared in support of the Application.
14. The Board found that no parties appeared in opposition to the Application.
15. 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 small lot size and the irregular shape make the Property unique. The Property cannot be

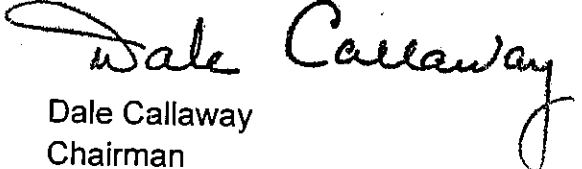
developed in strict conformity with the Sussex County Zoning Code. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicants. The variances will not alter the essential character of the neighborhood. The variances sought are the minimum variances 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, 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