

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: GREGG & JAMIE WARNER

(Case No. 11221)

A hearing was held after due notice on June 17, 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 rear yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicants were seeking a variance of 4.3 feet from the required twenty (20) feet rear yard setback requirement for a proposed screen porch and a variance of 3.5 feet from the required five (5) feet side yard setback requirement for an existing shed. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property located east of Road 273A (Bald Eagle Road) and being 550 feet north of 1st Street, being Lot 21 and 22 within Bay Vista development; said property being identified as Sussex County Tax Map Parcel Number 3-34-19.16-6.00). After a hearing, the Board made the following findings of fact:

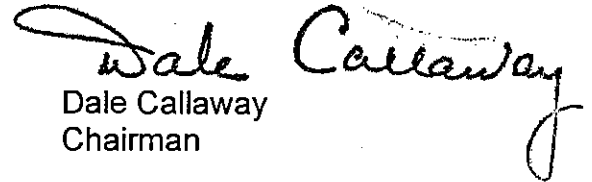
1. Gregg Warner and Jamie Warner were sworn in to testify regarding the Application.
2. The Board found that Gregg Warner testified that the Property is located within the Bay Vista development.
3. The Board found that Gregg Warner testified that the Applicants intend to build a screen porch to protect against mosquitoes.
4. The Board found that Gregg Warner testified that a pergola exists on the Property.
5. The Board found that Gregg Warner testified that the Applicants would add two (2) feet to the pergola and that the proposed porch will measure eight (8) feet by sixteen (16) feet.
6. The Board found that Gregg Warner testified that the lot is small in size.
7. The Board found that Gregg Warner testified that the Property is fenced in, therefore the proposed screen porch will not alter the character of the neighborhood.
8. The Board found that Gregg Warner testified that the shed existed on the Property when the Applicants purchased the Property in 2010.
9. The Board found that Gregg Warner testified that the neighbor has a shed in the same corner of the Property.
10. The Board found that Gregg Warner submitted pictures of the Property to the Board.
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 met the standards for granting a variance based on the following reasons. The Property is unique in the way in which it was developed. The dwelling has an existing pergola. 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 July 16, 2013