

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: HORACE D. GOOD & BARBARA GOOD

(Case No. 11232)

A hearing was held after due notice on July 15, 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 setback requirement.

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 covered porch. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Angola Road east of Dogwood Drive, being Lot 25, Block A, within Angola by the Bay development; said property being identified as Sussex County Tax Map Parcel Number 2-34-12.17-57.00. After a hearing, the Board made the following findings of fact:

1. Eugene Hoffman was sworn in to testify about the Application.
2. Shannon Carmean-Burton, Esquire, appeared on behalf of the Applicants.
3. The Board found that Mrs. Carmean-Burton stated that the Applicants live in Pennsylvania and could not attend the hearing.
4. The Board found that Mrs. Carmean-Burton submitted sworn affidavits from each of the Applicants.
5. The Board found that Mrs. Carmean-Burton stated that the Applicants purchased the Property on December 1, 1995 and that the survey completed on November 10, 1995 showed no encroachments into the setback areas.
6. The Board found that Mrs. Carmean-Burton submitted a letter from the surveyor stating that there were no errors made on the survey and the structures complied with the Sussex County Zoning Code.
7. The Board found that Mrs. Carmean-Burton stated that the Certificate of Compliance was issued on May 11, 1993 and that the Applicants were unaware of any encroachments.
8. The Board found that Mrs. Carmean-Burton stated that a survey completed for the sale of the Property showed the encroachment.
9. The Board found that Mrs. Carmean-Burton stated that the lot is long and narrow which makes it unique in shape.
10. The Board found that Mrs. Carmean-Burton stated that the difficulty was not created by the Applicants.
11. The Board found that Mrs. Carmean-Burton stated that the variance will enable reasonable use of the Property and that the variance will not alter the essential character of the neighborhood.
12. The Board found that Mrs. Carmean-Burton stated that the Homeowners Association supports the Application and that there have been no complaints since the porch has existed.
13. The Board found that Mrs. Carmean-Burton stated that the Property cannot otherwise be developed in strict conformity with the Sussex County Zoning Code and that the variance is the minimum variance necessary to afford relief.
14. The Board found that Mrs. Carmean-Burton stated that the shed has been moved into compliance with the Sussex County Zoning Code.
15. The Board found that Mr. Hoffman, under oath, confirmed the statements made by Mrs. Carmean-Burton.
16. The Board found that no parties appeared in support of or in opposition to the Application.

17. 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 due to its width. The situation is unique due to the two (2) conflicting surveys and because the County issued a Certificate of Compliance. The variance is necessary to enable reasonable use of the Property. The difficulty was not created by the Applicants. The variance will not alter the essential character of the neighborhood. The variance sought is the minimum variance 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 August 20, 2013