

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: PAMELA GRUE

(Case No. 11237)

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 variances from the rear yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of five (5) feet from the twenty (20) feet rear yard setback requirement for a proposed porch, a variance of 3.2 feet from the ten (10) feet side yard setback requirement for a proposed dwelling, and a variance of 3.2 feet from the seven (7) feet side yard setback requirement for a proposed HVAC unit. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located north of Route 54 (Lighthouse Road) east of Cleveland Avenue, being Lot 11, Block 4, within Cape Windsor development; said property being identified as Sussex County Tax Map Parcel Number 5-33-20.18-130.00. After a hearing, the Board made the following findings of fact:

1. Pamela Grue and Erin Schaeffer were sworn in to testify about the Application.
2. The Board found that Ms. Schaeffer testified that the Property is located within the Cape Windsor development and that Ms. Grue has owned the Property since 2008.
3. The Board found that Ms. Schaeffer testified that the existing home is over forty (40) years old and was damaged by Hurricane Sandy.
4. The Board found that Ms. Schaeffer testified that the existing home needs to be replaced.
5. The Board found that Ms. Schaeffer submitted surveys for the Board to review.
6. The Board found that Ms. Schaeffer testified that the development is a dense residential area.
7. The Board found that Ms. Schaeffer testified that the lot measures fifty (50) feet by ninety (90) feet.
8. The Board found that Ms. Schaeffer testified that the proposed dwelling will be placed within the same footprint as the existing dwelling.
9. The Board found that Ms. Schaeffer testified that the dwelling will be raised to meet flood zone requirements and to prevent the structure and the HVAC unit from being submerged under water.
10. The Board found that Ms. Schaeffer testified that the rear yard variance allows for off street parking and creates a buffer from the street.
11. The Board found that Ms. Schaeffer testified that the development prohibits parking on the street.
12. The Board found that Ms. Schaeffer testified that there have been similar variances granted in the development.
13. The Board found that Ms. Schaeffer testified that the Homeowners Association does not object to the Application.
14. The Board found that Ms. Schaeffer testified that the proposed dwelling will be in line with the other dwellings on the street and will be in conformity with the neighborhood.
15. The Board found that Ms. Schaeffer testified that the Property is narrow in size.

16. The Board found that Ms. Schaeffer testified that the Property cannot be developed in strict conformity with the Sussex County Zoning Code.
17. The Board found that Ms. Schaeffer testified that the difficulty was not created by the Applicant.
18. The Board found that Ms. Schaeffer testified that the variance will enable reasonable use of the Property.
19. The Board found that Ms. Schaeffer testified that the variances will not alter the character of the neighborhood.
20. The Board found that Ms. Schaeffer testified that the dwelling will be placed fifteen (15) feet from the bulkhead like other homes in the neighborhood.
21. The Board found that Ms. Schaeffer testified that the variances are the minimum variances to afford relief.
22. The Board found that Ms. Schaeffer testified that there is a proposed bedroom close to the road and for safety reasons ask that the dwelling be placed further back on the Property.
23. The Board found that Ms. Grue, under oath, confirmed the statements made by Ms. Schaeffer.
24. The Board found that no parties appeared in support of the Application.
25. The Board found that the Office of Planning & Zoning received one (1) letter in support of the Application.
26. The Board found that no parties appeared in opposition to the Application.
27. 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. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. 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 August 20, 2013