

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: MEALS ON WHEELS LEWES & REHOBOTH**

**(Case No. 11256)**

A hearing was held after due notice on September 9, 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 Applicant was seeking a variance of seven (7) feet from the sixty (60) feet front yard setback requirement for a proposed roof over existing steps. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property north of Route 9 (Lewes Georgetown Highway) 525 feet west of Ward Avenue (a Private Street) 1,760 feet west of Five Points; said property being identified as Sussex County Tax Map Parcel Number 3-34-5.00-123.00. After a hearing, the Board made the following findings of fact:

1. Robert Derrickson was sworn in to testify on behalf of the Application.
2. The Board found that the Office of Planning & Zoning received one (1) letter of support to the Application
3. The Board found that Mr. Derrickson submitted to the Board exhibits including pictures, a lot and location survey, and letters from neighboring property owners who support the Application.
4. The Board found that Mr. Derrickson testified that he is the President of the Meals on Wheels Lewes & Rehoboth location and that the Applicant seeks to construct an A-frame roof above the steps into the office.
5. The Board found that Mr. Derrickson testified that the existing entrance has no protection during inclement weather and that the proposed roof will protect the front offices from the weather and provide shelter.
6. The Board found that Mr. Derrickson testified that the Property is used as an office building.
7. The Board found that Mr. Derrickson testified that the Applicant has limited space in the building and that they have experienced significant problems with the entrance when the weather is bad.
8. The Board found that Mr. Derrickson testified that the existing steps encroach into the setback.
9. The Board found that Mr. Derrickson testified that the proposed A-frame roof will match the existing building.
10. The Board found that Mr. Derrickson testified that the setback requirement when the building was constructed was forty (40) feet and that the setback has since been enlarged which creates a unique situation with the Property.
11. The Board found that Mr. Derrickson testified that the building is sixty (60) feet from the road.
12. The Board found that Mr. Derrickson testified that the Property cannot otherwise be developed.
13. The Board found that Mr. Derrickson testified that the variance will not have a negative impact to the neighborhood and that the roof will not alter the character of the neighborhood.
14. The Board found that Mr. Derrickson testified that the variance will enable reasonable use of the Property.

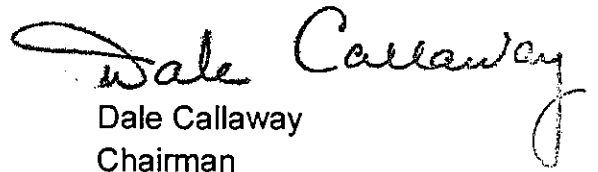
15. The Board found that no parties appeared in support of or in opposition to the Application.
16. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The change to the required front yard setback after construction the building created a unique situation and the Property is unique. The variance is necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. The variance will not alter the essential character of the neighborhood. The variance requested 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 October 22, 2013