

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MARYANN W. VINES, TRUSTEE

(Case No. 11259)

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 side yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 0.4 feet from the fifteen (15) feet side yard setback requirement for an existing dwelling. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property east of Road 273 (Country Club Road) being northeast of Kings Creek Circle, 25 feet southeast of Patriots Way, and being Lot 192 Section 5 within Kings Creek Country Club development; said property being identified as Sussex County Tax Map Parcel Number 3-34-13.00-1102.00. After a hearing, the Board made the following findings of fact:

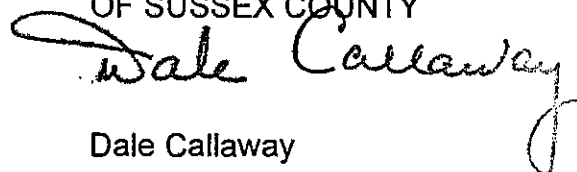
1. The Board found that the Office of Planning & Zoning received a letter of no objection from the homeowners association.
2. Maryann Walsh Vines was sworn in to testify on behalf of the Application.
3. William Schab, Esquire, appeared on behalf of the Applicant to present the Application.
4. The Board found that Ms. Vines testified that the Property was purchased in 1998 and that the variance was discovered only days prior to her purchase of the Property.
5. The Board found that Ms. Vines testified that she did not build the house and that the dwelling was built as a spec home.
6. The Board found that Ms. Vines testified that she cannot bring the house into compliance without removing part of the dwelling.
7. The Board found that Ms. Vines testified that no neighbors have complained about the location of the dwelling being five (5) inches into the setback area.
8. The Board found that Ms. Vines testified that her neighbors support the Application.
9. The Board found that Ms. Vines testified that she believes that the builder obtained a Certificate of Occupancy for the dwelling.
10. The Board found that Ms. Vines testified that the location of the dwelling has not altered the character of the neighborhood.
11. The Board found that there were no parties present in support of or in opposition to this 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. The fact that fifteen (15) years has passed since the dwelling was built creates a unique situation. 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 sought is the minimum variance necessary to afford relief. The variance represents the least modification of the regulation at issue.

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.