

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: THOMAS VISCOUNT

(Case No. 11269)

A hearing was held after due notice on September 23, 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 2.8 feet from the ten (10) feet side yard setback requirement. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located 250 feet southwest of Route One and being Southeast of Ann Avenue and being Lot 11 Block A within Ann Acres development; said property being identified as Sussex County Tax Map Parcel Number 3-34-20.13-30.00. After a hearing, the Board made the following findings of fact:

1. Tom Viscount was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Viscount testified that he recently purchased the Property and plans to use the dwelling as a summer home.
3. The Board found that Mr. Viscount testified that the existing dwelling is 1,325 square-feet in size but the existing bathroom is very small and the existing laundry room is in the basement.
4. The Board found that Mr. Viscount testified that the basement is usually wet making it difficult to use regularly.
5. The Board found that Mr. Viscount testified that the proposed addition will measure eight (8) feet by sixteen (16) feet.
6. The Board found that Mr. Viscount testified that the existing dwelling was built in 1959 and is a pre-existing, non-conforming dwelling.
7. The Board found that Mr. Viscount testified that the proposed addition will house a new bathroom and laundry room.
8. The Board found that Mr. Viscount testified that the proposed addition will not extend any further out than the existing dwelling.
9. The Board found that Mr. Viscount submitted pictures of the Property to the Board.
10. The Board found that Mr. Viscount testified that the Property is unique and that he has no plans in changing the façade and wants to keep in conformity with the design of the original house.
11. The Board found that Mr. Viscount testified that the Property cannot be developed in strict conformity with the Sussex County Zoning Code.
12. The Board found that Mr. Viscount testified that the addition will not alter the character of the neighborhood as there are other similar style homes in the neighborhood.
13. The Board found that Mr. Viscount testified that the use will not impair the neighboring or adjacent properties and that the variance will not be detrimental to the public welfare.
14. The Board found that Mr. Viscount testified that the variance is the least modification of the regulation at issue possible.
15. The Board found that Mr. Viscount testified that the wetness in the basement hinders its use.

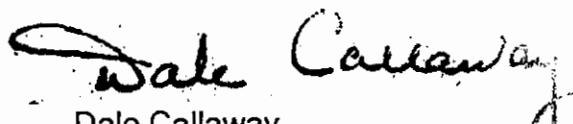
16. The Board found that Mr. Viscount testified that the variance will enable reasonable use of the Property and that the variance requested is the minimum variance to afford relief.
17. The Board found that no parties appeared in support of or in opposition to the Application
18. Based on the findings 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 existing dwelling was constructed in 1959, which was prior to the implementation of the Sussex County Zoning Code and which makes the situation unique. The need to relocate the laundry room from the basement due to wetness makes the Property unique. The variance is necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. The dwelling was not constructed 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 November 5, 2013