

## BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

### IN RE: DEDEE HOEHN

(Case No. 11283)

A hearing was held after due notice on October 21, 2013. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Brent Workman.

#### Nature of the Proceedings

This is an application for a variance from the rear yard setback requirement.

#### Findings of Fact

The Board found that the Applicant was seeking a variance of five (5) feet from the ten (10) feet rear yard setback requirement for a proposed sun porch and deck. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property 100 feet south of Hickman Road (Road 359) and east of Fresh Pond Drive and being 0.4 mile east of Cedar Neck Road (Road 357) and being Lot 1 in Bethany Preserve development; said property being identified as Sussex County Tax Map Parcel Number 1-34-9.00-1141.00. After a hearing, the Board made the following findings of fact:

1. Dedee Hoehn was sworn in to testify on behalf of the Application.
2. The Board found that Ms. Hoehn testified that she has owned the Property for five (5) years.
3. The Board found that Ms. Hoehn testified that the Property is adjacent to a water pumping station and a creek and that the vegetation surrounding the pumping station and creek create a unique situation as the vegetation has continued to grow into her yard.
4. The Board found that Ms. Hoehn testified that the proposed sun porch and deck will enable reasonable use of the Property.
5. The Board found that Ms. Hoehn testified that her family is unable to enjoy the backyard due to the insects attracted to the vegetation.
6. The Board found that Ms. Hoehn testified that her elderly father lives with them and the porch would allow him to enjoy the outdoors as well.
7. The Board found that Ms. Hoehn testified that the difficulty was not created by the Applicant.
8. The Board found that Ms. Hoehn testified that the Property is uniquely shaped.
9. The Board found that Ms. Hoehn testified that the existence of the pumping station and the creek create a unique situation.
10. The Board found that Ms. Hoehn testified that the variance is necessary to enable reasonable use of the Property.
11. The Board found that Ms. Hoehn testified that the porch will not alter the essential character of the neighborhood.
12. The Board found that Ms. Hoehn testified that the neighbors and the Homeowners Association support the Application.
13. The Board found that Ms. Hoehn testified that neighbors will not see the sun porch.
14. The Board found that Ms. Hoehn testified that neighbors have similar porches.
15. The Board found that Ms. Hoehn testified that the variance sought is the minimum variance to afford relief.
16. The Board found that Ms. Hoehn submitted pictures for the Board to review.
17. The Board found that one (1) party appeared in support of the Application.
18. The Board found that no parties appeared in opposition to the Application.

19. 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 for the following reasons. The Property's shape is unique and the existing vegetation creates a unique situation on the Property. 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 will not be detrimental to the public welfare. The variance sought is the minimum variance is 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, 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 December 10, 2013.