

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: NORMAN COHEN

(Case No. 11287)

A hearing was held after due notice on November 4, 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 front yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 6.9 feet from the thirty (30) feet front yard setback requirement for an existing deck and a variance of 5.6 feet from the ten (10) feet side yard setback requirement for an existing dwelling. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located south of Angola Road (Road 277) and being east of Oak Street East 650 feet south of Woodland Circle and also being Lot 34 Angola By The Bay; said property being identified as Sussex County Tax Map Parcel Number 2-34-17.08-196.00. After a hearing, the Board made the following findings of fact:

1. Adam Gerber, Esquire, presented the Application on behalf of the Applicant.
2. The Board found that Mr. Gerber submitted exhibits to the Board for review.
3. The Board found that Mr. Gerber stated that the dwelling and deck were built in 1973 and that the Applicant purchased the Property in August 2013.
4. The Board found that Mr. Gerber stated that the lot is unusual in shape and is only thirty-five (35) feet wide in the front.
5. The Board found that Mr. Gerber stated that the variance is necessary for the Applicant to obtain clear title to the Property and that the variance is necessary to enable reasonable use of the Property.
6. The Board found that Mr. Gerber stated that the Property cannot otherwise be developed.
7. The Board found that Mr. Gerber stated that the difficulty was not created by the Applicant because the non-conformity is believed to have existed since 1973.
8. The Board found that Mr. Gerber stated that the variance will not alter the character of the neighborhood.
9. The Board found that Mr. Gerber stated that the use is not detrimental to the public welfare.
10. The Board found that Mr. Gerber stated that the variance sought is the minimum variance to afford relief.
11. The Board found that Mr. Gerber stated that the existing structure would not be altered.
12. The Board found that Norman Cohen was sworn in to testify about the Application.
13. The Board found that Mr. Cohen, under oath, confirmed the statements made by Mr. Gerber.
14. The Board found that Mr. Cohen testified that he is unaware of any complaints about the location of the dwelling and that the dwelling has been left vacant for a long period of time.
15. The Board found that Mr. Cohen testified that the neighbors support the Application.

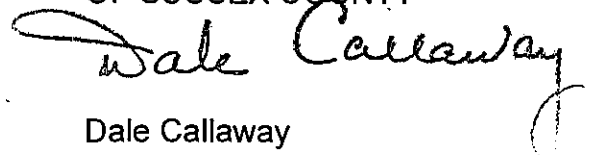
16. The Board found that Mr. Cohen testified that he does not know how the dwelling could be brought into compliance with the Sussex County Zoning Code.
17. The Board found that Michael Bacher was sworn in and testified in support of the Application and testified that he has been a realtor in the Lewes – Rehoboth Beach area for fifteen (15) years.
18. The Board found that Mr. Bacher testified that he is familiar with the Angola by the Bay development.
19. The Board found that Mr. Bacher testified that the variances will not alter the character of the neighborhood.
20. The Board found that Mr. Bacher testified that the dwelling does not impair the uses of neighboring and adjacent properties and that the variances do not affect the property values in the area.
21. The Board found that one (1) party appeared in support of the Application.
22. The Board found that no parties appeared in opposition to the Application.
23. 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 based on the following reasons. The Property is uniquely shaped. 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 requested variances represent the least modifications of the regulations 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 December 10, 2013