

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

**IN RE: LISA DRISCOLL & JAMES TRUETT, JR.**

**(Case No. 11291)**

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 a variance from the front yard setback requirement.

Findings of Fact

The Board found that the Applicants were seeking a variance of 5.6 feet from the thirty (30) feet from the front yard setback requirement for an existing dwelling. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Road 277 (Angola Road) being southwest of Poplar Drive 380 feet northwest of Woodland Circle and also being Lot 43 Angola By The Bay; said property being identified as Sussex County Tax Map Parcel Number 2-34-11.20-122.00. After a hearing, the Board made the following findings of fact:

1. Doug Ritter was sworn in to testify about the Application.
2. The Board found that Mr. Ritter testified that he built the dwelling in July 2013 for the Applicants.
3. The Board found that Mr. Ritter testified that due to the curve in the property line the masons made an error when running the string line for the foundation which resulted in placing the home in the setback area.
4. The Board found that Mr. Ritter testified that the lot is small which makes it unique.
5. The Board found that Mr. Ritter testified that the need for the variance was not created by the Applicants.
6. The Board found that Mr. Ritter testified that the variance will enable reasonable use of the Property.
7. The Board found that Mr. Ritter testified that the variance will not alter the character of the neighborhood.
8. The Board found that Mr. Ritter testified that the variance will not be detrimental to the public welfare.
9. The Board found that Mr. Ritter testified that the porch would have to be removed in order to comply with the setback requirements.
10. The Board found that Mr. Ritter testified that the variance is the minimum variance to afford relief.
11. The Board found that Mr. Ritter testified that the plan submitted to the Homeowners Association showed the porch on the front of the dwelling, not the rear.
12. The Board found that the Homeowners Association submitted a letter to the Board requesting that the Board to table the case until the Association is able to review the revised plan.
13. The Board found that no parties appeared in support of or in opposition to the Application.
14. The Board tabled its decision on the Application until November 18, 2013.
15. At its meeting on November 18, 2013, the Board discussed 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 based on the following reasons. The Property is unique in shape. The variance is necessary to enable reasonable use of the Property. The difficulty was not created by the Applicants. 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 possible 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. Norman Rickard and Mr. Brent Workman. Mr. John Mills 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 January 28, 2014