

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: BRUCE KAUFFMAN & MARYANNE KAUFFMAN

(Case No. 11295)

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 8.3 feet from the thirty (30) feet front yard setback requirement for a proposed porch. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located west of Route One, northwest of Andrew Avenue 200 feet southwest of Bayard Avenue and 600 feet northeast of Dodd Avenue and also being Lot 6 Block D of Ann Acres Development; said property being identified as Sussex County Tax Map Parcel Number 3-34-20.13-140.00. After a hearing, the Board made the following findings of fact:

1. Bruce Kauffman and Maryanne Kauffman were sworn in to testify about the Application.
2. The Board found that Mr. Kauffman testified that the Applicants have lived on the Property since May 2013 and that the Applicants would like to build a small porch in front of the dwelling.
3. The Board found that Mr. Kauffman testified that the original dwelling was constructed in the 1960s.
4. The Board found that Mr. Kauffman testified that the Applicants have a survey of the neighborhood which shows that the average front yard setback in the neighborhood is approximately 18.5 feet.
5. The Board found that Mr. Kauffman testified that the proposed porch will still be further back than any other structures on the street.
6. The Board found that Mr. Kauffman testified that the Property is unique due to the fact that the dwelling was built in the 1960s.
7. The Board found that Mr. Kauffman testified that a porch cannot be built without a variance.
8. The Board found that Mr. Kauffman testified that the variance will not alter the character of the neighborhood.
9. The Board found that Mr. Kauffman testified that the porch will be similar to other porches in the neighborhood.
10. The Board found that Mr. Kauffman testified that the variance will not be detrimental to the public welfare.
11. The Board found that Mr. Kauffman testified that the variance is necessary to enable reasonable use of the Property and that the variance is the minimum variance to afford relief.
12. The Board found that the Applicants submitted exhibits to the Board for consideration.
13. The Board found that Mrs. Kauffman testified that the property line is seventeen (17) feet from the edge of the road whereas other properties in the neighborhood are ten (10) feet from the edge of the road.
14. The Board found that Mrs. Kauffman testified that the porch is only six (6) feet deep and extends across half of the front of the dwelling.

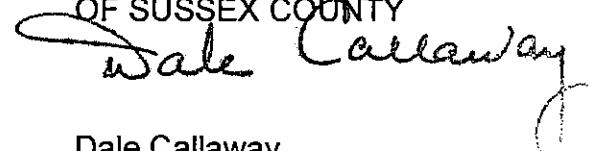
15. The Board found that Mrs. Kauffman testified that the opening of the front door is oddly configured which makes it difficult for emergency personnel to enter the dwelling.
16. The Board found that Mrs. Kauffman testified that the variance would enable reasonable use of the Property.
17. The Board 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 based on the following reasons. The setbacks in the neighborhood create a unique situation. 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 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