

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JEANNE ROGERS & BARABARA BLACK

(Case No. 11306)

A hearing was held after due notice on December 16, 2013. The Board members present were: Mr. Dale Callaway, Mr. Jeffrey 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.

Findings of Fact

The Board found that the Applicants were requesting a variance of 3.8 feet from the five (5) feet side yard setback requirement for an existing shed. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located southwest of Road 275 (Plantation Road) and being north of Bay Terrace 100 feet southwest of Pier Point, private streets, and being Lot 248 within Henlopen Landing Subdivision; said property being identified as Sussex County Tax Map Parcel Number 3-34-5.00-1077.00. After a hearing, the Board made the following findings of fact:

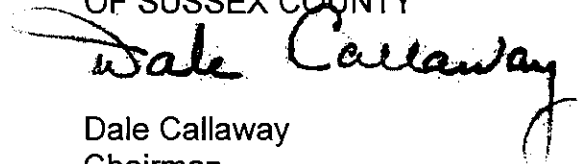
1. Barbara Black and Jeanne Rogers were sworn in to testify on behalf of the Application.
2. The Board found that the Office of Planning & Zoning did not receive any correspondence regarding the Application.
3. The Board found that Ms. Rogers testified that the shed was placed on the lot a few months ago and believed it to be in compliance based on the property markers then in place.
4. The Board found that Ms. Rogers testified that Pennoni surveyed the neighboring property and discovered the markers were not placed correctly and moved the markers.
5. The Board found that Ms. Rogers testified that the Applicants were unaware that the markers were placed incorrectly.
6. The Board found that Ms. Rogers testified that moving the shed would be difficult, if not impossible, because the shed has been wired with electric and the Applicants have placed a fence and a concrete walkway around the shed.
7. The Board found that Ms. Rogers testified that the neighbors who own property adjacent to the shed support the Application.
8. The Board found that Ms. Rogers testified that the difficulty was not created by the Applicants as they believed that the shed was placed in compliance with the property lines.
9. The Board found that Ms. Black testified that the shed is anchored to the ground.
10. The Board found that Ms. Rogers testified that there are other sheds in the neighborhood and that the variance will not alter the character of the neighborhood.
11. The Board found that the Applicants submitted a copy of a letter from neighbors supporting the Application.
12. The Board found that two (2) parties appeared in support of the Application.
13. The Board found that no parties appeared in opposition to the Application.
14. Based on 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 markers placed incorrectly created 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 because there are similar sheds in 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. Jeffrey 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 February 18, 2014.