

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

**IN RE: DARLENE GOUNARIS AND RICHARD GOUNARIS**

**(Case No. 11312)**

A hearing was held after due notice on January 6, 2014. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Norman Rickard.

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 nine (9) feet from the required thirty (30) feet front yard setback requirement for a proposed screen porch and deck. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located east of Road 275 (Plantation Road) and being northwest of Dot Sparrow Drive and southeast of Mute Swann Lane 325 feet southwest of Peacock Place and being Lot 6 in Summercrest Subdivision; said property being identified as Sussex County Tax Map Parcel Number 3-34-12.00-776.00. After a hearing, the Board made the following findings of fact:

1. Pam McDonald was sworn in to testify on behalf of the Application.
2. The Board found that Ms. McDonald testified that she is a contractor representing the Applicants.
3. The Board found that Ms. McDonald testified that the Property was developed by Anderson Homes.
4. The Board found that Ms. McDonald testified that the Property is a through lot with two (2) front yards.
5. The Board found that Ms. McDonald testified that the Applicants were not aware of the setback requirements when they purchased the Property as the Applicants were informed that they could construct a deck or porch on the rear of their dwelling.
6. The Board found that Ms. McDonald testified that the proposed screen porch will measure twelve (12) feet by twenty-two (22) feet with an adjacent deck measuring six (6) feet by twelve (12) feet.
7. The Board found that Ms. McDonald testified that there have been similar variances granted on the same street.
8. The Board found that Ms. McDonald testified that the Property is unique since it is a through lot.
9. The Board found that Ms. McDonald testified that the Property could only be developed in strict conformity with the Sussex County Zoning Code if the room was only three (3) feet deep.
10. The Board found that Ms. McDonald testified that the variance will enable reasonable use of the Property and that the difficulty was not created by the Applicants.
11. The Board found that Ms. McDonald testified that the Property was not listed with the County as being a through lot for approximately two (2) years.
12. The Board found that Ms. McDonald testified that the variance will not alter the character of the neighborhood.
13. The Board found that Ms. McDonald testified that the variance requested is the minimum variance to afford relief.

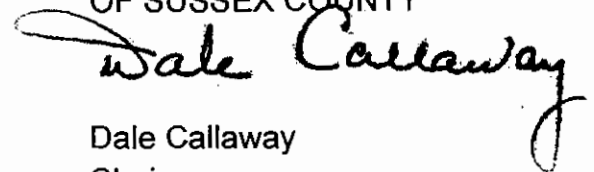
14. The Board found that Ms. McDonald testified that neighboring lots will not be impaired by the proposed variance and that the variance will not interfere with any common areas or traffic.
15. The Board found that Ms. McDonald testified that the rear of the Property is lined with trees between the dwelling and the street.
16. The Board found that Ms. McDonald submitted fourteen (14) letters in support of the Application.
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. The Property is unique since it is a narrow lot. 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 is the least modification 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. John Mills, and Mr. Norman Rickard. 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.