

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ARLAN R. CHRIST AND PATRICIA CHRIST

(Case No. 11316)

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 variances from the side yard and front yard setback requirements.

Findings of Fact

The Board found that the Applicants were seeking a variance of 5.9 feet from the ten (10) feet side yard setback requirement and a variance of 0.7 feet from the forty (40) feet front yard setback requirement for an existing dwelling, and a variance of forty (40) feet from the forty (40) feet front yard setback requirement, and a variance of five (5) feet from the five (5) feet side yard setback requirement for an existing shed. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property located south of Road 312 (River Road) 524 feet west of Road 297 (Oak Orchard Road); said property being identified as Sussex County Tax Map Parcel Number 2-34-34.12-65.00. After a hearing, the Board made the following findings of fact:

1. Douglas Annand was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Annand testified that he is a land surveyor and represents the Applicants.
3. The Board found that Mr. Annand testified that the dwelling was constructed in the 1960's and that the Applicants purchased the Property in 1992.
4. The Board found that Mr. Annand testified that the dwelling sits low to the ground with a first floor elevation.
5. The Board found that Mr. Annand testified that the Applicants must raise the dwelling to bring the existing dwelling into compliance with the flood zone requirements and that the Property is prone to flooding.
6. The Board found that Mr. Annand testified that additional landings and steps must be constructed since the house is being elevated.
7. The Board found that Mr. Annand testified that there will be no changes to the existing dwelling or deck.
8. The Board found that Mr. Annand testified that the Applicants do not plan to make any changes to the shed and that the shed has also existed on the Property since the 1960's.
9. The Board found that Mr. Annand submitted a picture of the shed.
10. The Board found that Mr. Annand testified that all structures on the Property likely pre-date 1960.
11. The Board found that Arlan Christ was sworn in and testified that the area is prone to flooding and neighbors have raised their homes.
12. The Board found that Mr. Christ testified that the proposal will help with flood insurances and property values.
13. The Board found that Mr. Annand testified that the flooding to the Property makes the Property unique.
14. The Board found that Mr. Annand testified that the variances will enable reasonable use of the Property.

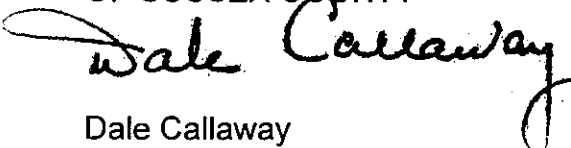
15. The Board found that Mr. Annand testified that the difficulty has not been created by the Applicants.
16. The Board found that Mr. Annand testified that the variances will not alter the character of the neighborhood.
17. The Board found that Mr. Annand testified that other dwellings in the area have had to be raised.
18. The Board found that Mr. Annand testified that the variances requested are the minimum variances to afford relief.
19. The Board found that one (1) party appeared in support of the Application.
20. The Board found that no parties appeared in opposition to the Application.
21. 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 due to the flooding problems in the neighborhood. The Property cannot be developed in strict conformity with the Sussex County Zoning Code. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicants. The variances will not alter the essential character of the neighborhood. The variances sought are the minimum variances 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, 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.