

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JOHN C. WEISEL, TRUSTEE

(Case No. 11324)

A hearing was held after due notice on January 27, 2014. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Brent Workman 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 Applicant was seeking a variance of 2.12 feet from the thirty (30) feet front yard setback requirement for a proposed attached garage extension. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Road 351 (Clubhouse Road) and being north of Seaside Drive 100 feet east of Ocean View Place and being Lot 38 within Whites Creek at Bethany Residential Planned Community; said property being identified as Sussex County Tax Map Parcel Number 1-34-8.00-576.00. After a hearing, the Board made the following findings of fact:

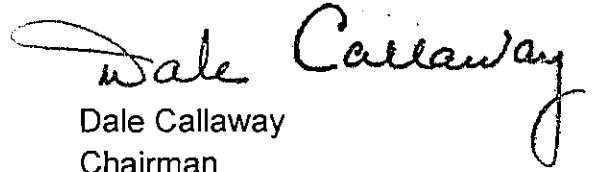
1. The Board found that the Office of Planning & Zoning received no correspondence regarding the Application.
2. John Weisel was sworn in to testify on behalf of the Application.
3. The Board found that Mr. Weisel testified that the proposed eighty (80) square-foot extension will allow space for his woodworking.
4. The Board found that Mr. Weisel testified that the Property is unique because the rear of the Property backs up to wetlands and does not allow room for a shed.
5. The Board found that Mr. Weisel testified that he cannot expand into the side yard due to the side yard setback requirements.
6. The Board found that Mr. Weisel testified that the Homeowners Association and his neighbors support the Application.
7. The Board found that Mr. Weisel testified that the dwelling is over forty (40) feet from the existing street.
8. The Board found that Mr. Weisel testified that the addition should have no effect on the neighborhood.
9. The Board found that Mr. Weisel testified that the addition will mirror the front of the existing dwelling.
10. The Board found that Mr. Weisel testified that the variance will not alter the character of the neighborhood.
11. The Board found that no parties appeared in support of or in opposition to the Application.
12. 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. The Property is small and is located in a Residential Planned Community. The variance is necessary to enable reasonable use of the Property. The dwelling cannot be expanded in strict conformity with the Sussex County Zoning Ordinance. The difficulty was not created by the Applicant. 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 March 25, 2014