

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DAVID G. BOYLE

(Case No. 11332)

A hearing was held after due notice on February 3, 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 variances from the front yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 2.1 feet from the thirty (30) feet front yard setback requirement, a variance of 4.1 feet from the ten (10) feet side yard setback requirement, a variance of 4.05 feet from the ten (10) feet side yard setback requirement, and a variance of seven (7) feet from the ten (10) feet side yard setback requirement for an existing dwelling. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located south of Route 54 (Lighthouse Road) and being east of Maple Lane 1,100 feet south of Cedar Road and being more specifically Lot 22 Keen-wik Subdivision; said property being identified as Sussex County Tax Map Parcel Number 5-33-20.13-7.00. After a hearing, the Board made the following findings of fact:

1. David Boyle was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Boyle submitted to the Board exhibits in support of his application.
3. The Board found that Mr. Boyle testified that he purchased the Property last year.
4. The Board found that Mr. Boyle testified that that, due to high flood insurance and flooding issues, the dwelling needs to be raised.
5. The Board found that Mr. Boyle testified that the existing attached sheds will be removed and that the condensing unit will be relocated and comply with the setback requirements.
6. The Board found that Mr. Boyle testified that the existing dwelling did not comply with the Sussex County setback requirements and that the dwelling was constructed in the 1970s.
7. The Board found that Mr. Boyle testified that a new second floor screen porch will be constructed.
8. The Board found that no parties appeared in support of or in opposition to the Application.
9. The Board found that the Office of Planning and Zoning received one (1) letter of support to the Application.
10. 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 in a flood zone and the dwelling needs to be raised. The Property is only fifty (50) feet wide. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. The variances will not alter the essential character of the neighborhood. The variances sought are the minimum variances necessary to afford relief.
11. The request for a variance of seven (7) feet from the side yard setback requirement for the condensing unit, however, was denied because the condensing unit has been moved and the variance is no longer needed.

The Board approved the variance application finding that it met the standards for granting a variance except that the Board denied the variance request of seven (7) feet from the side yard setback requirement for the condensing unit.

Decision of the Board

Upon motion duly made and seconded, the Application was approved in part and denied in part. The Board Members voting to approve the Application in part and to deny the Application in part 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 in part and to Deny the Application in part.

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