

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JEFFREY S. LAFFERTY

(Case No. 11341)

A hearing was held after due notice on February 17, 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 side yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of four (4) feet from the ten (10) feet side yard setback requirement for a proposed porch, a variance of 1.2 feet from the five (5) feet side yard setback requirement for an existing deck, and a variance of 0.2 feet from the five (5) feet side yard setback requirement for an existing detached shed. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located north of Route 54 (Lighthouse Road) and being northwest of Laws Point Road 0.4 mile north of Swann Drive and being Lot 43 Block F, Section B Swann Keys Subdivision; said property being identified as Sussex County Tax Map Parcel Number 5-33-12.16-260.00. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
2. Jeffrey Lafferty was sworn in to testify on behalf of the Application.
3. The Board found that Mr. Lafferty testified that he purchased the Property one (1) year ago and that he plans to enlarge the existing deck and enclose it with a screen porch and roof.
4. The Board found that Mr. Lafferty testified that there will not be an adverse effect to the neighborhood.
5. The Board found that Mr. Lafferty testified that the steps are needed to access that side of the Property.
6. The Board found that Mr. Lafferty testified that the existing lagoon takes away a portion of his property which limits his buildable area.
7. The Board found that Mr. Lafferty testified that the side deck towards the front of the dwelling has been in its current location since he purchased the Property.
8. The Board found that Mr. Lafferty testified that he replaced an existing shed with the same size shed and in the same footprint.
9. The Board found that Mr. Lafferty testified that he was not aware the shed did not meet the required setbacks when he replaced it.
10. The Board found that Mr. Lafferty testified that the shed is detached from the dwelling.
11. The Board found that Mr. Lafferty testified that the two (2) surveys submitted show the shed to be in the same location.
12. The Board found that Mr. Lafferty testified that his neighbors have no objection to the Application.
13. The Board found that one (1) party appeared in support of the Application.
14. The Board found that no parties appeared in opposition to the Application.
15. Based on the findings above and the testimony and evidence 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 as it is only fifty (50) feet wide. The variances are necessary to enable reasonable use of the Property. The difficulty has not been 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.

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