

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: RICHARD DOHLER

(Case No. 11342)

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 variances from the side yard and rear yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of five (5) feet from the ten (10) feet side yard setback requirement and a variance of five (5) feet from the twenty (20) feet rear yard setback requirement for a proposed 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 Roosevelt Avenue 1,378 feet sought of Lincoln Drive being Lot 27 Block 7 in Cape Windsor Subdivision; said property being identified as Sussex County Tax Map Parcel Number 5-33-20.18-8.00. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application.
2. Richard Dohler and Bonna Dohler were sworn in to testify on behalf of the Application.
3. The Board found that Mr. Dohler testified that the Applicants purchased the Property in 2013 and that the Property is located within the Cape Windsor development.
4. The Board found that Mr. Dohler testified that the Applicants plan to remove the existing manufactured home and shed and place a new dwelling on the Property.
5. The Board found that Mr. Dohler testified that most of the lots in the development have a ten (10) foot side yard setback requirement on one side and a five (5) feet side yard setback on the opposite side.
6. The Board found that Mr. Dohler testified that all the lots on this street use the five (5) feet side yard setback on one side of the Property.
7. The Board found that Mr. Dohler testified that the lot measures fifty (50) feet wide by one-hundred (100) feet deep, which makes it a narrow lot.
8. The Board found that Mr. Dohler testified that the use will not adversely impact the neighborhood and that the use will be in character of the neighborhood.
9. The Board found that Mr. Dohler testified that there will be no hardships to the neighboring properties.
10. The Board found that Mr. Dohler testified that the setback requirements were changed for the development in October 1993.
11. The Board found that Mr. Dohler testified that the proposed two (2) story dwelling will be the same distance from the Property line as the existing manufactured home.
12. The Board found that Mr. Dohler testified that that the Applicants will access the dwelling from underneath.
13. The Board found that two (2) parties appeared in support to 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 in size as it is

only fifty (50) foot wide. The variances are necessary 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. Other lots on the same street use similar side yard setbacks as proposed by the Applicant. The variances sought are the minimum variances necessary to afford relief. The variances represent the least modifications possible of the regulations at issue.

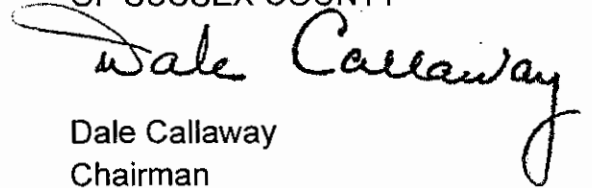
The Board approved the variance application finding that it met the standards for granting a variance.

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, 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