

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JIM EMRICH & WENDY EMRICH

(Case No. 11355)

A hearing was held after due notice on March 24, 2014. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

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 Applicants were seeking a variance of 9.7 feet from the forty (40) feet front yard setback requirement for an existing shed. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located northwest of Sussex County Road 530 (Old Meadow Road) 356 feet and north of Wilkinson Drive; said property being identified as Sussex County Tax Map Parcel Number 2-31-12.00-71.00. 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. Steve Adkins was sworn in to testify on behalf of the Application.
3. The Board found that Mr. Adkins testified that he is a surveyor and surveyed the Property for a proposed settlement.
4. The Board found that Mr. Adkins testified that two (2) sheds are located on the Property.
5. The Board found that Mr. Adkins testified that he contacted the Office of Planning and Zoning to see if a variance had been approved for the sheds.
6. The Board found that Mr. Adkins testified that a prior variance was granted only for one of the sheds.
7. The Board found that Mr. Adkins testified that, when he learned of the need for the variance, he immediately applied for the variance.
8. The Board found that Mr. Adkins testified that the Property severely slopes to the rear of the shed.
9. The Board found that Mr. Adkins testified that the Property is adjacent to the Nanticoke River.
10. The Board found that Mr. Adkins testified that the previous owner placed the shed.
11. The Board found that Mr. Adkins testified that he believes the septic also prevents the shed from being moved into compliance.
12. The Board found that Mr. Adkins testified that a significant portion of the rear yard is under water due to the river.
13. The Board found that Mr. Adkins testified that the shed subject of this application appears to have been on the Property since before 2008.
14. The Board found that Mr. Adkins testified that the shed cannot be moved to the rear yard.
15. The Board found that Mr. Adkins submitted pictures of the Property to the Board for review.
16. The Board found that one (1) party appeared in support of the Application.
17. The Board found that no parties appeared in opposition to the Application.
18. 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 because it is partially covered by water. The Property has a limited buildable area due to the neighboring river and location of the septic system. The variance is necessary to

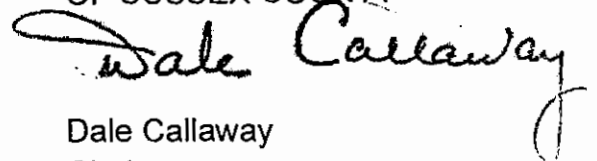
enable reasonable use of the Property. The difficulty was not created by the Applicants. The Applicants did not place the shed on the Property. The variance will not be detrimental to the public welfare. The variance will not alter the essential character of the neighborhood. The variance sought is the 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 May 6, 2014