

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: DALE E. WETZEL & JEAN L. WETZEL**

**(Case No. 11356)**

A hearing was held after due notice on April 14, 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 side yard setback requirement.

**Findings of Fact**

The Board found that the Applicants were seeking a variance of two (2) feet from the ten (10) feet side yard setback requirement for a proposed addition. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Road 312 (River Road) across from Pocohontas Avenue and approximately 0.4 mile east of Road 311 (Chief Road) and being Lot 14 in Riverdale Park; said property being identified as Sussex County Tax Map Parcel Number 2-34-34.12-49.00. After a hearing, the Board made the following findings of fact:

1. Jean Wetzel was sworn in to testify on behalf of the Application.
2. The Board found that Ms. Wetzel testified that her existing house has two (2) very small bedrooms and a very small bathroom and that the proposed addition will be an expansion of those rooms.
3. The Board found that Ms. Wetzel testified that she and her husband Dale Wetzel recently underwent back surgery and that Mr. Wetzel uses a cane.
4. The Board found that Ms. Wetzel testified that both Applicants have balance issues.
5. The Board found that Ms. Wetzel testified that the extra space will allow the Applicants to maneuver around their home more easily and that the variance is necessary enable reasonable use of the Property.
6. The Board found that Ms. Wetzel testified that the Property is unique in shape and narrows toward the rear of the Property.
7. The Board found that Ms. Wetzel testified that the shape of the Property creates the need for the variance.
8. The Board found that Ms. Wetzel testified that the difficulty was not created by the Applicants and arose due to the Applicants' medical problems.
9. The Board found that Ms. Wetzel testified that their neighbors have no objection to the Application.
10. The Board found that Ms. Wetzel testified that the variance sought is the minimum variance to afford relief.
11. The Board found that Ms. Wetzel testified that the front of the yard abuts against Indian River.
12. The Board found that Ms. Wetzel testified that the proposed addition will be six (6) feet and will run the length of the existing dwelling which will enhance the appearance of the existing dwelling.
13. The Board found that no parties appeared in support of or in opposition to the Application.
14. 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 due to its odd shape. The Property is narrower on the water side than it is on the side nearest the road. The variance is necessary to enable reasonable use of the Property.

The Applicants demonstrated that the variance is needed to allow them room to maneuver around their home. The difficulty was not created by the Applicants. The Applicants suffer health problems which have limited their mobility within their home. 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 20, 2014