

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: KEVIN LYNN KRAMER, SR. & DIANE MARIE KRAMER

(Case No. 11367)

A hearing was held after due notice on April 7, 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 and front yard setback requirements.

Findings of Fact

The Board found that the Applicants were seeking a variance of 0.2 feet from the ten (10) feet side yard setback requirement for an existing dwelling and a variance of 4.7 feet from the thirty (30) feet front yard setback requirement for an existing shed. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property located east of Road 342 (Sandy Landing Road) and being north of Dover Road 100 feet west of Sussex Road and being more specifically Lot 10 Section A of Indian River Acres Subdivision; said property being identified as Sussex County Tax Map Parcel Number 1-34-7.00-8.00. 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. Kevin Kramer was sworn in to testify on behalf of the Application and Manaen Robinson, Esquire, presented the Application on behalf of the Applicants.
3. The Board found that Mr. Robinson stated that the Applicants purchased the Property on January 10, 2014 and that a survey completed for settlement showed the encroachments into the setback areas.
4. The Board found that Mr. Robinson stated that the dwelling was constructed in 1963 and a Certificate of Compliance had been issued for the existing porch.
5. The Board found that Mr. Robinson stated that the Applicants are not sure when the shed was placed on the Property.
6. The Board found that Mr. Robinson stated that the structures existed when the Applicants purchased the Property.
7. The Board found that Mr. Robinson stated that numerous lots in the subdivision have sheds in the front yard.
8. The Board found that Mr. Robinson stated that there is no other location on the Property for the shed due to the narrowness of the Property.
9. The Board found that Mr. Robinson stated that the variances are necessary enable reasonable use of the Property.
10. The Board found that Mr. Robinson stated that the difficulty was not created by the Applicants.
11. The Board found that Mr. Robinson stated that the structures do not alter the character of the neighborhood.
12. The Board found that Mr. Robinson stated that the structures have been in their present locations for many years.
13. The Board found that Mr. Robinson stated that the variances are the minimum variances to afford relief.
14. The Board found that Kevin Kramer, under oath, confirmed the statements made by Mr. Robinson.

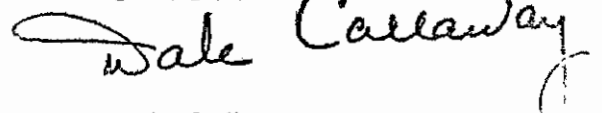
15. The Board found that no parties appeared in support of or in opposition to the Application.
16. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The 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 Applicants as the violations existed prior to the Applicants' purchase of the Property. The variances will not alter the essential character of the neighborhood. The variances sought are the minimum variances necessary to afford relief. The variances represent the least modifications 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 May 6, 2014.