

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JILL SALTER-PLUMP

(Case No. 11369)

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 variances from the front yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 2.10 feet from the thirty (30) feet front yard setback requirement for a porch, a variance of 0.9 feet from the ten (10) feet side yard setback requirement for a dwelling, a variance of 4.6 feet from the fifteen (15) feet side yard setback requirement for a dwelling and deck, and a variance of 8.6 feet from the fifteen (15) feet side yard setback requirement for steps. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property southwest corner of Harrison Avenue and Bayshore Drive and being Lot 8 Broadkill Beach 0.4 mile southeast of Route 16 (Broadkill Road); said property being identified as Sussex County Tax Map Parcel Number 2-35-4.17-84.00. 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. Gerald Caraway and Janet Holstein sworn in to testify on behalf of the Application.
3. The Board found that Mr. Caraway testified that he plans to extend the existing front deck and screen it in.
4. The Board found that Mr. Caraway testified that he proposes to add steps to the front deck for better access.
5. The Board found that Mr. Caraway testified that he plans to extend the existing rear deck.
6. The Board found that Mr. Caraway testified that the existing decks are too small and need steps.
7. The Board found that Mr. Caraway testified that the decks will enhance the Property.
8. The Board found that Mr. Caraway testified that the lot is narrow in size and that the lot is adjacent to marshland.
9. The Board found that Ms. Holstein testified that the Property is narrow and borders marshland and a right-of-way.
10. The Board found that Ms. Holstein testified that the proposed size of the decks and proposed steps are needed for safety purposes as the existing decks have no steps.
11. The Board found that Ms. Holstein testified that the Applicant has not created the difficulty.
12. The Board found that Ms. Holstein testified that the variances are necessary to enable reasonable use of the Property.
13. The Board found that Ms. Holstein testified that the screened in porch will allow the Applicant to enjoy the Property without worrying about insects.
14. The Board found that Ms. Holstein testified that the location of the existing dwelling prevents the decks and stairs from being built in strict conformity with the Sussex County Zoning Code.

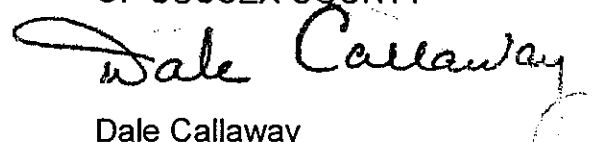
15. The Board found that Ms. Holstein testified that the proposed decks and steps will enhance the neighborhood and will not impair the uses of adjacent neighboring properties as no adjacent property will be affected by the proposed structures.
16. The Board found that Ms. Holstein testified that the variances will not be detrimental to the public welfare.
17. The Board found that Ms. Holstein testified that the variances are the least modifications of the regulations at issue.
18. The Board found that Ms. Holstein testified that the variances will allow the Applicant to enhance and slightly enlarge the existing decks while improving safety features.
19. The Board found that Mr. Caraway testified that the proposed steps will give the Applicant two (2) ways to enter and exit the Property and that, currently, there is only one (1) access to the Property.
20. The Board found that no parties appeared in support of or in opposition to the Application.
21. 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 because it is small and is only fifty (50) feet wide. The Property is also unique because it only has one access to the dwelling which creates a safety concern. The difficulty was not 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 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 May 6, 2014