

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: THOMAS H. FLETCHER

(Case No. 11379)

A hearing was held after due notice on April 21, 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 Applicant was seeking a variance of 16.1 feet from the thirty (30) feet front yard setback requirement for a proposed addition. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located 260 feet east of State Route 1 (Coastal Highway) and being south of Dune Road and 180 feet west of Ocean Road and being Lot 67 Tower Shores; said property being identified as Sussex County Tax Map Parcel Number 1-34-5.00-75.01. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning and Zoning received seven (7) letters and emails in support of the Application and had not received any correspondence in opposition to the Application.
2. Thomas Fletcher and Alvin French were sworn in to testify on behalf of the Application.
3. The Board found that Mr. French submitted exhibits and letters of support to the Board to review.
4. The Board found that Mr. French testified that he is an architect.
5. The Board found that Mr. French testified that the Applicant owns Unit A-4 on the Property and proposes to construct an addition to the unit.
6. The Board found that Mr. French testified that the proposed addition will be a third story on the existing unit.
7. The Board found that Mr. French testified that the neighboring units all have a third story.
8. The Board found that Mr. French testified that the Applicant's unit currently has only two (2) bedrooms and that the Applicant has a large family and needs more living space.
9. The Board found that Mr. French testified that the original units were built in the 1960s and that the existing Unit A-4 has had the same footprint since the early 1960s.
10. The Board found that Mr. French testified that the proposed addition will not encroach any further into the setback area than the existing unit.
11. The Board found that Mr. French testified that unique physical circumstances exist.
12. The Board found that Mr. French testified that the units are located close together and have been that way for many years.
13. The Board found that Mr. French testified that the difficulty has not been created by the Applicant.
14. The Board found that Mr. French testified that the unit has been in its existing location since prior to the Applicant's ownership of it.
15. The Board found that Mr. French testified that the variance will not alter the character of the neighborhood and that the proposed addition will bring the unit more in line with other units in the neighborhood.

16. The Board found that Mr. French testified that the variance requested is the minimum variance necessary to afford relief.
17. The Board found that Mr. French testified that the Applicant has approval from the Delaware Department of Natural Resources and Environmental Control ("DNREC") for the construction.
18. The Board found that no parties appeared in support of or in opposition to the Application.
19. Based on the findings above and the testimony and exhibits 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. The unit has been in its location prior to the adoption of the Sussex County Zoning Code. The addition will be within the same footprint as existing structure and will not further encroach into the setback areas. The variance is necessary to enable reasonable use of the Property. The variance will enable the Applicant to construct a third floor to the unit which will allow him additional space to house his large family. The difficulty was not created by the Applicant. The unit was built prior to the Applicant's ownership. The variance will not alter the essential character of the neighborhood as there have been similar variances granted in the neighborhood. The Applicant has demonstrated that there are other similar three story structures in 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 June 3, 2014