

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

**IN RE: SCOTT CRAWFORD**

**(Case No. 11397)**

A hearing was held after due notice on June 2, 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 4.2 feet from the five (5) feet rear yard setback requirement for an existing shed. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Road 277 (Angola Road) and being south of Montgomery Court, 570 feet east of Suburban Boulevard and being more specifically Lot 8 Phase 3 Angola Estates (911 Address: 33621 Montgomery Court, Lewes, Delaware); said property being identified as Sussex County Tax Map Parcel Number 2-34-12.00-7.00-Unit 47519. 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. Scott Crawford was sworn in to testify on behalf of the Application.
3. The Board found that Mr. Crawford submitted exhibits to the Board to review.
4. The Board found that Mr. Crawford testified that his mother owned the Property since 1992 and left the dwelling to him.
5. The Board found that Mr. Crawford testified that he recently replaced her shed with the shed he had on another lot in the development.
6. The Board found that Mr. Crawford testified that his shed is larger than the previous shed.
7. The Board found that Mr. Crawford testified that he was not aware his property line curved.
8. The Board found that Mr. Crawford testified that he also didn't realize a portion of the rear yard he maintains was not his property.
9. The Board found that Mr. Crawford testified that there is a natural buffer between his lot and the neighbor's lot.
10. The Board found that Mr. Crawford testified that the recent survey showed the encroachment.
11. The Board found that Mr. Crawford testified that the shed cannot be moved closer to the dwelling and still be accessed.
12. The Board found that Mr. Crawford testified that there are also large trees and existing sidewalks on the Property which prevent turning the shed on the Property.
13. The Board found that Mr. Crawford testified that moving the shed closer to his neighbor would be out of character with the neighborhood.
14. The Board found that Mr. Crawford testified that the neighbor to the rear of his property has no objection to the Application.
15. The Board found that Mr. Crawford testified that the shed is on footers.
16. The Board found that Mr. Crawford testified that the previous shed was placed on the Property in 1992.

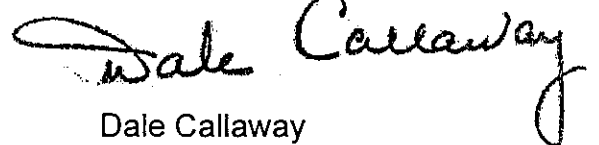
17. The Board found that Mr. Crawford testified that the new shed was placed on the same spot as the older shed but it extends further into the rear yard.
18. The Board found that no parties appeared in support of or in opposition to the Application.
19. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The odd shape of the Property makes the lot unique. The Property cannot otherwise be developed in strict conformity with the Sussex County Zoning Code. The variance is necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. The Applicant believed that the shed was in compliance with all regulations. The variance will not alter the essential character of the neighborhood. The shed aligns with the neighbor's shed. 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 July 22, 2014.