

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: GAYLEN CAMERA AND THOMAS CAMERA

(Case No. 11402)

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 side yard setback requirement.

Findings of Fact

The Board found that the Applicants were seeking a variance of 1.4 feet from the ten (10) feet side yard setback requirement. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Road 324 (Sussex Pines Road) and being south of Road 357 (Fred Hudson Road) and being south of Bethany Loop and across from Cattail and being Lot 378 within The Salt Pond Community (911 Address: 668 Bethany Loop, Bethany Beach, Delaware); said property being identified as Sussex County Tax Map Parcel Number 1-34-13.00-1550.00. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received one (1) letter in support of the Application.
2. Gaylen Camera was sworn in to testify on behalf of the Application.
3. The Board found that Ms. Camera testified that the dwelling was constructed in 1994 and that a Certificate of Compliance was issued in 1995.
4. The Board found that Ms. Camera testified that she is the third owner of the Property since the dwelling was constructed.
5. The Board found that Ms. Camera testified that the dwelling is 1.4 feet too close to the side yard property line on the southwest side of the Property.
6. The Board found that Ms. Camera testified that she is in the process of selling the Property and a recent survey showed the encroachment.
7. The Board found that Ms. Camera testified that the Property is odd in shape as it is wide in the front and narrower towards the rear.
8. The Board found that Ms. Camera testified that, if the bay window been constructed differently, the need for a variance would not exist.
9. The Board found that Ms. Camera testified that the Property is located within the Salt Pond community and that there are no known issues with the community's architectural review committee.
10. The Board found that Ms. Camera testified that the bay window is the only portion of the house located in the side yard setback area.
11. The Board found that Ms. Camera testified that the dwelling is skewed slightly on the lot making it impossible to be built in strict conformity with the Sussex County Zoning Code.
12. The Board found that Ms. Camera testified that the variance will enable reasonable use of the Property.
13. The Board found that Ms. Camera testified that the Homeowners Association supports the Application.
14. The Board found that Ms. Camera testified that the variance will not alter the character of the neighborhood.
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 oddly shaped and the placement of the dwelling thereon makes the Property unique. The variance is necessary to enable reasonable use of the Property. The bay window and the

dwelling represent a reasonable use of the Property. The difficulty was not created by the Applicants. The Applicants did not build the dwelling or the bay window. The variance will not alter the essential character of the neighborhood. The dwelling has been in its current location for many years with no known complaints about it. The variance is not detrimental to the public welfare. 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