

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JOSEPH MEYER

(Case No. 11406)

A hearing was held after due notice on June 16, 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 side yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance 0.6 feet from the ten (10) feet side yard setback requirement for an existing dwelling. 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 Woodland Circle 200 feet west of Sycamore Drive and being Lot 46 Block T within Angola-By-The-Bay (911 Address: 33567 Woodland Circle, Lewes, Delaware); said property being identified as Sussex County Tax Map Parcel Number 2-34-11.20-340.00. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received no correspondence regarding the Application.
2. Joseph Meyer was sworn in to testify on behalf of the Application and Jonathan Horner, Esquire, appeared on behalf of the Applicant.
3. The Board found that Mr. Horner submitted exhibits to the Board.
4. The Board found that Mr. Horner stated that the dwelling was built in 1986 and that the Applicant purchased the Property in 2008.
5. The Board found that Mr. Horner stated that a Certificate of Compliance was issued.
6. The Board found that Mr. Horner stated that a recent survey showed the encroachments and that the Applicant was not aware of the encroachment when he purchased the Property.
7. The Board found that Mr. Horner stated that the encroachments have made title to the Property unmarketable.
8. The Board found that Mr. Horner stated that the variance is necessary to enable reasonable use of the Property.
9. The Board found that Mr. Horner stated that the difficulty was not created by the Applicant.
10. The Board found that Mr. Horner stated that the variance will not alter the character of the neighborhood.
11. The Board found that Mr. Horner stated that the dwelling will not impair the uses of neighboring properties.
12. The Board found that Mr. Horner stated that the variance is the least modification possible of the regulation at issue.
13. The Board found that Mr. Meyer confirmed, under oath, the statements made by Mr. Horne as being true and correct.
14. The Board found that no parties appeared in support of or in opposition to the Application.
15. 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 narrow in width and further narrows towards the rear of the Property which makes it unique. The variance is necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. The house was located on the Property when the Applicant purchased the Property. The variance will not alter the essential character of the neighborhood. The house has been on the Property for many

years. The variance sought is the minimum variance necessary to afford relief. The variance represents the least modification of the regulation 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 August 5, 2014.