

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ARLENE WEISMAN

(Case No. 11407)

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 rear yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 2.4 feet from the twenty (20) feet rear yard setback requirement for a proposed screen porch and a variance of 0.5 feet from the ten (10) feet side yard setback requirement for an existing dwelling. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located south of Road 277 (Angola Road) and being west of Bridgeway Drive West 300 feet north of Bridgeway Drive East and being Lot 24 Block W Section 5 within Angola-By-The-Bay (911 Address: 23284 Bridgeway Drive West, Lewes, Delaware); said property being identified as Sussex County Tax Map Parcel Number 2-34-17.08-6.00. 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. Arlene Weisman was sworn in to testify on behalf of the Application.
3. The Board found that Ms. Weisman testified that she purchased the Property in October 2013 and that the dwelling was built in 1976.
4. The Board found that Ms. Weisman testified that the proposed screen porch will measure eight (8) feet by ten (10) feet.
5. The Board found that Ms. Weisman testified that she was not aware the dwelling encroached until she had a survey completed.
6. The Board found that Ms. Weisman testified that the angle of the rear property line makes it difficult to comply with the setback requirements.
7. The Board found that Ms. Weisman testified that the existing dwelling was built at an angle on the Property.
8. The Board found that Ms. Weisman testified that the difficulty was not created by the Applicant.
9. The Board found that Ms. Weisman testified that the neighbors have no objection to the Application.
10. The Board found that Ms. Weisman testified that the rear yard is adjacent to a common area.
11. The Board found that Ms. Weisman testified that, if she screened in her existing deck, she would need a variance so she prefers to have a porch as proposed because the proposed screen porch would then be accessed through her existing kitchen.
12. The Board found that Ms. Weisman testified that the variance is necessary to enable reasonable use of the Property.
13. The Board found that Ms. Weisman testified that the variances will not alter the character of the neighborhood.
14. The Board found that Ms. Weisman testified that the use will not impair the uses of the neighboring and adjacent properties.
15. The Board found that Ms. Weisman testified that the variances requested are the minimum variances necessary to afford relief.
16. The Board found that no parties appeared in support of or in opposition to the Application.

17. 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 due to the location of the existing dwelling and the unusual shape of the lot. The lot narrows in the front yard as compared to the rear yard. The variances are necessary to enable reasonable use of the Property. A portion of the dwelling would need to be removed in order to comply with the Sussex County Zoning Code and the proposed porch is a reasonable use of the Property. The difficulty was not created by the Applicant. The dwelling was placed on the Property by a prior owner. If the dwelling had been angled differently on the Property, the screened porch could have fit on the Property without the need for a variance. The variances will not alter the essential character of the neighborhood. The dwelling has been on the Property in its present location for nearly forty (40) years and neighbors have expressed to the Applicant support of her request. The variances will not be detrimental to the public welfare. The variances sought are the minimum variances 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 August 5, 2014