

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: GEORGE PORTER

(Case No. 11408)

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 30.5 feet from the forty (40) feet front yard setback requirement for a proposed shed and a variance of two (2) feet from the five (5) feet from the side yard setback requirement for a proposed shed. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located south of Road 312 (River Road) 0.3 mile east of Road 312A (Layton Davis Road) (911 Address: 32054 River Road, Millsboro, Delaware); said property being identified as Sussex County Tax Map Parcel Number 2-34-34.11-33.00. 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. Bruce Porter was sworn in to testify on behalf of the Application.
3. The Board found that Mr. Porter presented exhibits to the Board to review.
4. The Board found that Mr. Porter testified that the existing shed was built by his grandfather in 1938 but it does not protect stored items from the weather.
5. The Board found that Mr. Porter testified that he plans to replace the shed with a new shed that will measure ten (10) feet by sixteen (16) feet.
6. The Board found that Mr. Porter testified that the proposed shed will be placed in the front yard in line with his neighbor's garage.
7. The Board found that Mr. Porter testified that the proposed shed will have cedar shake siding to match the dwelling.
8. The Board found that Mr. Porter testified that the proposed shed will not alter the character of the neighborhood as it will simply replace the older shed.
9. The Board found that Mr. Porter testified that the new shed will be an improvement.
10. The Board found that Mr. Porter testified that the difficulty was not created by the Applicant.
11. The Board found that Mr. Porter testified that the shed cannot be placed in the rear yard due to the sloping yard and that the shed would have to be on pilings if placed in the rear yard.
12. The Board found that Mr. Porter testified that the shed would also block the neighbor's and his view of the river.
13. The Board found that Mr. Porter testified that the proposed location also keeps the shed from encroaching on existing sewer lines, a well, and existing trees.
14. The Board found that Mr. Porter testified that the variances are necessary to enable reasonable use of the Property.
15. The Board found that Mr. Porter testified that the variances are the minimum variances necessary to afford relief.
16. The Board found that Mr. Porter testified that the proposed shed will be placed in the shaded area shown on the survey submitted by the Applicant.
17. The Board found that Mr. Porter testified that the proposed shed will be on a concrete foundation and will have electricity.

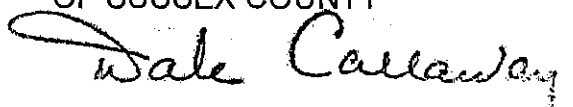
18. The Board found that no parties appeared in support of or in opposition to the Application.
19. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The Property is unique due to its sloped yard and location of the existing shed. The Applicant would have difficulty placing a shed in the rear yard due to its slope. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. The original shed was not placed on the Property by the Applicant. The variances will not alter the essential character of the neighborhood. The shed has been in its current location since 1938 and the shed will be in line with a garage on neighboring property. 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