

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: LYNNE BETTS

(Case No. 11412)

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 a variance from the front yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of two (2) feet from the thirty (30) feet front 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 southwest of Road 297 (Oak Orchard Road) and being northwest of Oak Meadow Drive 1,100 feet southwest of Road 297 (Oak Orchard Road) and being Lot 15 and ½ Lot 16 within Oak Meadows Subdivision (911 Address: 27522 Oak Meadow Drive, Millsboro, Delaware); said property being identified as Sussex County Tax Map Parcel Number 2-34-29.00-84.00. 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. Lynne Betts was sworn in to testify on behalf of the Application.
3. The Board found that Ms. Betts testified that her aunt and uncle purchased the Property in 1983.
4. The Board found that Ms. Betts testified that the portion of the dwelling encroaching is a screen porch.
5. The Board found that Ms. Betts testified that numerous additions have been made to the dwelling over time and permits were obtained for those improvements.
6. The Board found that Ms. Betts testified that there is a fire hydrant in the front yard and that sewer lines have been installed.
7. The Board found that Ms. Betts testified that she was not aware of the encroachment until a recent survey showed the encroachment.
8. The Board found that Ms. Betts testified that it would be a hardship to bring the dwelling into compliance with the Sussex County Zoning Code.
9. The Board found that Ms. Betts testified that the variance will enable reasonable use of the Property.
10. The Board found that Ms. Betts testified that the use is not detrimental to the public welfare.
11. The Board found that Ms. Betts testified that the variance does not alter the character of the neighborhood.
12. The Board found that Ms. Betts testified that the difficulty was not created by the Applicant.
13. The Board found that Ms. Betts testified that the variance requested is the minimum variance to afford relief.
14. The Board found that two (2) parties appeared in support of the Application.
15. The Board found that no parties appeared 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. There is uniqueness to the Property. The dwelling has been in its current location for many years and, since the dwelling was constructed, fire hydrants and sewer lines have been installed. 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 variance will not alter the essential character of the neighborhood. The variance will not be detrimental to 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 August 5, 2014.