

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JACK DILLON AND EILEEN DILLON

(Case No. 11426)

A hearing was held after due notice on July 21, 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 four (4) feet from the ten (10) feet side yard setback requirement for a proposed elevator. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located east of Route One (Coastal Highway) and being southwest of Bunting Avenue and Virginia Avenue and being Lot 4 Section C of lands of L.P. Faucett Subdivision in the unincorporated area near Fenwick Island; said property being identified as Sussex County Tax Map Parcel Number 1-34-23.20-107.00. After a hearing, the Board made the following findings of fact:

1. Greg Hastings was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Hastings submitted exhibits to the Board to review.
3. The Board found that Mr. Hastings testified that the Applicants retained him to design an elevator for the dwelling.
4. The Board found that Mr. Hastings testified that the proposed elevator will provide access to all four (4) floors of the existing dwelling.
5. The Board found that Mr. Hastings testified that the dwelling is uniquely designed due to its many angles and the dwelling is on pilings.
6. The Board found that Mr. Hastings testified that the dwelling is approximately twenty-five (25) years old.
7. The Board found that Mr. Hastings testified that the proposed elevator is being placed strategically within an angled wall.
8. The Board found that Mr. Hastings testified that the proposed elevator extends into the side yard setback area.
9. The Board found that Mr. Hastings testified that the terrain between the proposed elevator addition and the neighbor's property would not be accessible by fire equipment.
10. The Board found that Mr. Hastings testified that the dwelling is located adjacent to sand dunes in Fenwick Island.
11. The Board found that Mr. Hastings testified that the design of the house and its numerous angles present logistical problems in designing for the elevator.
12. The Board found that Mr. Hastings testified that the proposed placement of the elevator works with the angles of the dwelling and will also work aesthetically.
13. The Board found that Mr. Hastings testified that the elevator shaft will have a roof that will be integrated with the existing roof of the dwelling.
14. The Board found that Mr. Hastings testified that the proposed elevator will not adversely affect the neighboring and adjacent properties.
15. The Board found that Mr. Hastings testified that the existing floor plan will not allow for an interior elevator and there is no other place where the elevator could be placed.
16. The Board found that Mr. Hastings testified that the mechanics for the elevator will be at the top of the elevator shaft.
17. The Board found that Mr. Hastings testified that the Applicant is elderly and has a handicapped son so the elevator is needed to reach the upper floors of the dwelling.
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 existing dwelling is several stories tall and has a unique design. The Applicants have demonstrated that they need the elevator to reach all floors of the dwelling and the need for the elevator creates a unique circumstance. The variance is necessary to enable reasonable use of the Property. The difficulty was not created by the Applicants as the need for the variance was caused by a change in the Applicants' ability to access all floors of the dwelling and due to the unique design of the original dwelling. The variance will not alter the essential character of the neighborhood. The elevator shaft will integrate with the existing roofline of the dwelling and will fit aesthetically with the dwelling. 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 September 9, 2014.