

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: KRIS S. MECK**

**(Case No. 11438)**

A hearing was held after due notice on August 18, 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 rear yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 9.72 feet from the twenty (20) feet rear yard setback requirement for a proposed 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) south of Linden Way, 450 feet south of Woodland Circle and being Lot 10 and 11 Block S Section 2 within Angola-By-The-Bay (911 Address: 23046 Linden Way, Lewes, Delaware); said property being identified as Sussex County Tax Map Parcel Number 2-34-11.20-355.00. After a hearing, the Board made the following findings of fact:

1. Kris Meck was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Meck testified that the Property is located in the Angola by the Bay development.
3. The Board found that Mr. Meck testified that the Property is pie shaped making it unique and difficult to build a dwelling in strict conformity with the Sussex County Zoning Code.
4. The Board found that Mr. Meck testified that the Homeowners Association has approved the proposed dwelling.
5. The Board found that Mr. Meck testified that the variance is necessary to enable reasonable use as he will not be able to place the proposed dwelling on the Property without the variance.
6. The Board found that Mr. Meck testified that the difficulty was not created by him.
7. The Board found that Mr. Meck testified that the variance will not alter the character of the neighborhood.
8. The Board found that Mr. Meck testified that the odd sizes and shapes make it difficult to place a single family dwelling on lots in the neighborhood and other lots have been granted similar variances.
9. The Board found that Mr. Meck testified that the proposed dwelling is similar to others in the neighborhood.
10. The Board found that Mr. Meck testified that the dwelling will not be detrimental to the public welfare.
11. The Board found that Mr. Meck testified that neighbors are supportive of his proposed dwelling.
12. The Board found that Mr. Meck testified that the variance requested is the minimum variance necessary to afford relief.
13. The Board found that Mr. Meck testified that the rear yard is adjacent to an open area and that there are large trees and brush in the open area.
14. The Board found that one (1) party 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. The Property is pie-shaped which is unique. The Property also has curved front and rear yard property lines which are also unique. The variance is necessary to enable reasonable use of the Property. The variance will enable the Applicant to put a reasonably sized dwelling on the Property. The difficulty was not created by the Applicant. The size and shape of the lot was not created by the Applicant. The variance will not

be detrimental to the public welfare. The variance will not alter the essential character of the neighborhood. Similar homes have been constructed in the neighborhood and the variance is supported by neighbors and the homeowners association. 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 23, 2014