

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CRAIG GROFF AND ALANA GROFF

(Case No. 11441)

A hearing was held after due notice on September 8, 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 4.7 feet from the ten (10) feet side yard setback requirement for a proposed dwelling. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Route 54 (Lighthouse Road) and being east of Grant Avenue 600 feet south of Lincoln Drive and being Lot 11 Block 6 within Cape Windsor Subdivision (911 Address: 38771 Grant Avenue, Selbyville, Delaware); said property being identified as Sussex County Tax Map Parcel Number 5-33-20.18-67.00. After a hearing, the Board made the following findings of fact:

1. Craig Groff, Alana Groff, and Neil Brosnahan were sworn in to testify on behalf of the Application.
2. The Board found that Mr. Groff testified that the Property is located in the Cape Windsor subdivision.
3. The Board found that Mr. Groff testified that the variance is necessary for a proposed dwelling and to allow for parking on the Property.
4. The Board found that Mr. Groff testified that the prior manufactured home was removed from the lot and that the Property is currently vacant other than two (2) concrete slabs.
5. The Board found that Mr. Groff testified that the proposed dwelling will be placed to allow for parking along the south side of the Property.
6. The Board found that Mr. Brosnahan testified that there have been numerous variances granted in the neighborhood.
7. The Board found that Mr. Brosnahan testified that the majority of dwellings in the subdivision are five (5) feet from the side property line.
8. The Board found that Mr. Brosnahan testified that the Applicants seek the variances to allow for the house to be constructed in a manner consistent with other houses in the neighborhood and to allow for parking.
9. The Board found that Mr. Brosnahan testified that the community is unique.
10. The Board found that Mr. Brosnahan testified that many of the mobile homes in the community are being replaced with single-family dwellings.
11. The Board found that Mr. Brosnahan testified that the difficulty has not been created by the Applicants.
12. The Board found that Mr. Brosnahan testified that the Sussex County setbacks are more restrictive than the Cape Windsor setbacks.
13. The Board found that Mr. Brosnahan testified that the variance is necessary to enable reasonable use of the Property.
14. The Board found that Mr. Brosnahan testified that the use will not be detrimental to the public welfare.
15. The Board found that Mr. Brosnahan testified that the variance is the least modification of the regulation at issue.

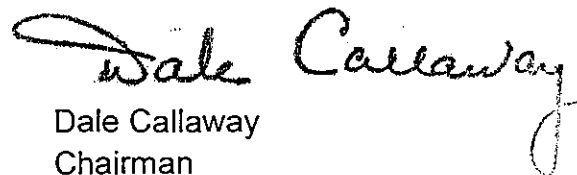
16. The Board found that Mr. Brosnahan testified that the proposed dwelling will be moved to five (5) feet from the north side property line so that the house will be a greater distance from the south side property line.
17. The Board found that Mr. Brosnahan testified that the variance is the minimum variance necessary to afford relief.
18. The Board found that Mr. Brosnahan testified that the use will not impair the uses of neighboring and adjacent properties.
19. The Board found that no parties appeared in support of or in opposition to the Application.
20. 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 in size as it is only fifty (50) feet wide by ninety (90) feet deep. The variance is necessary to enable reasonable use of the Property. The proposed dwelling cannot be placed on the Property without a variance and the dwelling is similar to others in the neighborhood. The hardship was not created by the Applicants. The variance will not alter the essential character of the neighborhood. Other similar dwellings are located in the neighborhood and the dwelling will be compliant with the Cape Windsor setback requirements, which are less restrictive than the Sussex County setback requirements. The variance is the minimum variance necessary to afford relief. The variance represents the least modification of the regulation at issue.

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 October 21, 2014.