

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: GERALD FRIEDEL and SUSAN FRIEDEL

(Case No. 11445)

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 variances from the front yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicants were seeking a variance of ten (10) feet from the thirty (30) feet front yard setback requirement, a variance of five (5) feet from the ten (10) feet side yard setback requirement, and a variance of 2.5 feet from the ten (10) feet side yard setback requirement for a proposed dwelling. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property located west of Road 348 (Iron Lane) and being west of Seagrass Court 275 feet southwest of Seagrass Plantation Lane and east of Indian River Bay; said property being identified as Sussex County Tax Map Parcel Number 1-34-7.00-108.00. After a hearing, the Board made the following findings of fact:

1. Gerald Friedel was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Friedel testified that the Board approved the same variances in August 2005 but that approval expired.
3. The Board found that Mr. Friedel testified that there have been no changes since the original application in 2005.
4. The Board found that Mr. Friedel testified that due to the economy and the lack of a sewer connection, the dwelling was not constructed at that time.
5. The Board found that Mr. Friedel testified that water and sewer connections are now available and a paved road has also been constructed.
6. The Board found that Mr. Friedel testified that the Property is adjacent to the Indian River Bay.
7. The Board found that Mr. Friedel testified that the existing dwelling was five (5) feet from the north side property line but has since been demolished.
8. The Board found that Mr. Friedel testified that the adjacent property on the north side is a common area used for water access.
9. The Board found that Mr. Friedel testified that the lot is very narrow and shallow making it unique in size.
10. The Board found that Mr. Friedel testified that the proposed variances will afford him adequate room in the front yard to park a vehicle.
11. The Board found that Mr. Friedel testified that the prior dwelling and other dwellings in the neighborhood were constructed close to the road.
12. The Board found that Mr. Friedel testified that a hardship would be created in order to comply with the Sussex County Zoning Code.
13. The Board found that Mr. Friedel testified that the Property cannot otherwise be developed and that the variances are necessary to enable reasonable use of the Property.
14. The Board found that Mr. Friedel testified that the variances will not alter the essential character of the neighborhood and should enhance property values therein.
15. The Board found that Mr. Friedel testified that the proposed use will not be detrimental to the public welfare.
16. The Board found that Mr. Friedel testified that the variance represents the least modification of the regulation at issue.

17. The Board found that no parties appeared in support of or in opposition to the Application.
18. 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 size. The Property is very narrow and shallow thereby leaving the Applicants with a small building envelope. The Property is also adjacent to the Indian River Bay. The variances are necessary to enable reasonable use of the Property. The proposed dwelling is reasonable and consistent with other homes in the neighborhood. The Property cannot otherwise be developed in strict conformity with the Sussex County Zoning Code. The need for the variances has not been created by the Applicants. The variances will not alter the essential character of the neighborhood. 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 October 21, 2014.