

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

**IN RE: JOSEPH M. WEEDON**

**(Case No. 11447)**

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 side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of one (1) foot from the ten (10) feet side yard setback requirement for an existing covered porch. 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) and being wet of Holly Way West 100 feet north of Woodland Circle and being Lot 28 Block O Section 2 within Angola-By-The-Bay Subdivision (911 Address: 22687 Holly Way West, Lewes, Delaware); said property being identified as Sussex County Tax Map Parcel Number 2-34-11.20-8.00. After a hearing, the Board made the following findings of fact:

1. Joseph Weedon was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Weedon testified that the Property is located in the Angola by the Bay community.
3. The Board found that Mr. Weedon testified that he obtained a building permit to construct the covered porch.
4. The Board found that Mr. Weedon testified that the roof is located over the kitchen door and protects it from the weather.
5. The Board found that Mr. Weedon testified that he has replaced the door numerous times and has still experienced flooding issues.
6. The Board found that Mr. Weedon testified that the Homeowners Association and the neighbors support the Application.
7. The Board found that Mr. Weedon testified that the lot is narrow making it unique.
8. The Board found that Mr. Weedon testified that the difficulty was not created by the Applicant.
9. The Board found that Mr. Weedon testified that the variance is necessary to enable reasonable use of the Property.
10. The Board found that Mr. Weedon testified that the variance will not alter the character of the neighborhood.
11. The Board found that Mr. Weedon testified that the variance requested is the minimum variance to afford relief.
12. The Board found that no parties appeared in support of or in opposition to the Application.
13. 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 condition on the Property is unique due to the leaking problem in the house. The Applicant has tried numerous repairs which have been unsuccessful and the covered porch was constructed to alleviate this problem. The Property is also narrow, which makes it unique. The variance is necessary to enable reasonable use of the Property. The covered porch is a reasonable use of the Property and cannot be placed on the lot without a variance. The exceptional practical difficulty was not created by the Applicant. The variance will not alter the essential character of the neighborhood. The Applicant testified that his neighbors support this variance request. No evidence was presented which would demonstrate that the variance

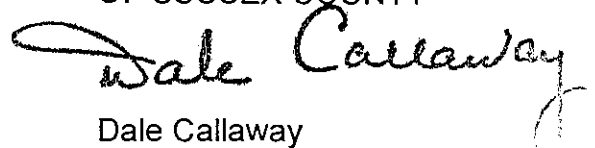
was out of character with the neighborhood. The variance sought is the minimum variance to afford relief.

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