

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**  
**IN RE: JOHN ELLIOTT, CAROL ELLIOTT, F. ETZEL, AND M. ETZEL**  
**(Case No. 11456)**

A hearing was held after due notice on September 22, 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 front yard setback requirement.

Findings of Fact

The Board found that the Applicants were seeking a variance of 4.9 feet from the ten (10) feet front yard setback requirement for an existing shed. This application pertains to certain real property located north of Route 54 (Lighthouse Road) and being west of Mallard Drive 600 feet north of Swann Drive and being Lot 68 Block H within Swann Keys Subdivision (911 Address: 36971 Mallard Drive, Selbyville, DE); said property being identified as Sussex County Tax Map Parcel Number 5-33-12.16-78.00. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received three (3) letters of support to the Application and had not received any correspondence in opposition to the Application.
2. John Elliott was sworn in to testify about the Application.
3. The Board found that Mr. Elliott testified that the shed cannot be placed in the side yards due to the location of the neighbors' existing homes
4. The Board found that Mr. Elliott testified that one neighbor has placed its home very close to the property line and the other side of the Applicants' house is where the entrance to his home is located.
5. The Board found that Mr. Elliott testified that he would suffer a hardship if the shed had to be removed.
6. The Board found that Mr. Elliott testified that the variance does not alter the character of the neighborhood as there are similar sheds in front yards in the neighborhood.
7. The Board found that Mr. Elliott testified that he is still able to park four (4) cars on the lot.
8. The Board found that Mr. Elliott testified that the location of the neighbor's house makes the Property unique.
9. The Board found that Mr. Elliott testified that the rear of the Property abuts a lagoon and he could not place the shed in the rear yard due to the lagoon.
10. The Board found that Mr. Elliott testified that the variance is necessary enable reasonable use of the Property.
11. The Board found that Mr. Elliott testified that the shed will allow him to store his tools and related items.
12. The Board found that Mr. Elliott testified that the difficulty has not been created by the Applicants.
13. The Board found that Mr. Elliott testified that the shed will not impede traffic.
14. The Board found that Mr. Elliott testified that the use will not be detrimental to the public welfare.
15. The Board found that Mr. Elliott testified that the variance requested is the minimum variance to afford relief and that the variance represents the least modification possible of the regulation at issue.
16. The Board found that one (1) party appeared in support of the Application.

17. The Board found that no parties appeared in opposition to the Application.
18. Based on the findings above and the testimony and exhibits presented at the public hearing and the public record, the Board determined that the application met the standards for granting a variance. The size of the lot makes the Property unique. The Property also is adjacent to a lagoon which makes placement of the shed in the rear yard undesirable. Furthermore, the location of the neighboring dwelling on Lot 67 makes placement of the shed in the side yard impractical. The variance is necessary to enable reasonable use of the Property. The shed is a reasonably sized shed and will be used by the Applicants for storage. The exceptional practical difficulty was not created by the Applicants. The variance will not alter the essential character of the neighborhood. Other similar sheds are located in the neighborhood. The variance sought is the minimum variance necessary to afford relief. The variance represents the least modification of the regulation at issue

The Board granted the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve the variance 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 November 18, 2014