

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: PAMELA DILLON

(Case No. 11483)

A hearing was held after due notice on November 3, 2014. The Board members present were: 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 6.4 feet from the twenty (20) feet rear yard setback requirement for a proposed sunroom addition. This application pertains to certain real property located south of Road 277 (Angola Road) northeast of Woodland Court North, 550 feet northwest of Woodland Circle and being Lot 69 and ½ Lot 68 in Angola by the Bay (911 Address: 33143 Woodland Court North, Lewes, DE); said property being identified as Sussex County Tax Map Parcel Number 2-34-11.20-393.00. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received no correspondence regarding the Application.
2. Pamela Dillon was sworn in to testify about the Application.
3. The Board found that Ms. Dillon testified that the Property is located in Angola by the Bay and that she wants to add an addition to the rear her home.
4. The Board found that Ms. Dillon testified that the existing dwelling sits sideways on the Property so that the side of the house faces the rear yard.
5. The Board found that Ms. Dillon testified that a deck is located on rear of the dwelling.
6. The Board found that Ms. Dillon testified that she intends to remove the deck and replace it with a sunroom measuring sixteen (16) feet by sixteen (16) feet.
7. The Board found that Ms. Dillon testified that the rear yard is adjacent to the "common area" of the development which is wooded.
8. The Board found that Ms. Dillon testified that the property owners' association has given tentative approval for the addition.
9. The Board found that Ms. Dillon testified that the placement of the existing dwelling makes the rear yard shallow and created a unique situation.
10. The Board found that Ms. Dillon testified that the addition will not impact the adjacent properties.
11. The Board found that Ms. Dillon testified that the Property cannot be developed in strict conformity with the Sussex County Zoning Code.
12. The Board found that Ms. Dillon testified that a variance is necessary to construct a sunroom in the rear yard and that the variance is necessary to enable reasonable use of the Property.
13. The Board found that Ms. Dillon testified that the existing deck is not useful, except in warm weather, and will be removed, whereas, the proposed sunroom addition can be used all year and add to the living space.
14. The Board found that Ms. Dillon testified that the living space in the home is limited and that the sunroom will afford her additional living space.
15. The Board found that Ms. Dillon testified that she did not create the need for the variance because she did not place the dwelling on the lot.

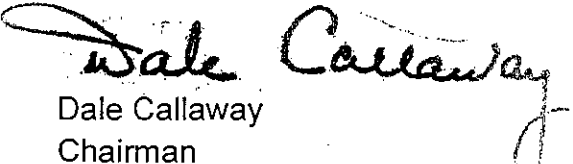
16. The Board found that Ms. Dillon testified that the variance will not alter the essential character of the neighborhood as the sunroom will not be visible from the street and is not near any neighbor.
17. The Board found that Ms. Dillon testified that the variance will not be detrimental to the public welfare.
18. The Board found that Ms. Dillon testified that the variance represents the least modification possible.
19. The Board found that Ms. Dillon testified that there is an existing window in the dwelling that would be affected if the proposed sunroom was wider and not as deep.
20. The Board found that Ms. Dillon testified that the variance is the minimum variance to afford relief.
21. The Board found that Planning & Zoning Director Lawrence Lank stated that other variances have been granted in the neighborhood.
22. The Board found that one (1) party appeared in support of the Application.
23. The Board found that no parties appeared in opposition to the Application.
24. 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 because the lot is small and the existing dwelling was placed sideways thereon. Due to the size of the lot and unique placement of the dwelling, a reasonable addition to the rear of the home cannot be constructed in compliance with the Sussex County Zoning Code without a variance. The Applicant has requested the variance to allow for the construction of a reasonably sized sunroom that will afford her additional living space. As such, the Applicant has demonstrated that the variance is necessary to enable reasonable use of the Property. The exceptional practical difficulty and hardship were not created by the Applicant. The Applicant did not create the lot or place the home thereon. The variance will not alter the essential character of the neighborhood. Other variances have been granted on nearby properties and the rear yard of the Property is adjacent to wooded common areas. The homeowners association has also indicated its support of the application. The variance sought is the minimum variance necessary to afford relief.

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. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve the variance application. Mr. Dale Callaway did not participate in the discussion or vote of this 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 January 6, 2015