

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ^{High} COASTAL WAY EXCHANGE, LLC

Case No. 10884 – 2011

A hearing was held after due notice on October 17, 2011. The Board members present were: Mr. Dale Callaway, Mr. Ronald McCabe, Mr. John Mills, Mr. Brent Workman, and Mr. Jeff Hudson.

Nature of the Proceedings

This is an application for a variance from the buffer requirement in a combined highway corridor overlay zone district and a variance from the minimum number parking spaces requirement.

Finding of Facts

The Board found that the Applicant was seeking a variance from buffer requirements in a Combined Highway Corridor Overlay Zone District and a variance from the minimum number of parking spaces required for a parcel northeast of the intersection of Route 1 (Coastal Highway) and Kings Highway. The Applicant was requesting a 13.3' variance from the required 20' buffer, and a 6 space variance from the required number of parking spaces. After a hearing, the Board made the following findings of fact:

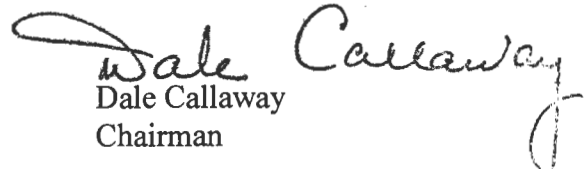
1. The Applicant has recently demolished the structures formerly utilized by Dr. Earl Bradley. All of those structures were legally non-conforming.
2. The Applicant wishes to construct a 5,000 sq. ft. building, but is unable to meet the current buffer requirement and unable to provide the necessary number of parking spaces.
3. There are numerous other non-conforming structures in the area with mixed uses.
4. Although the Applicant could conceivably have made use of the previously existing buildings, given the history of the property and its prior owner, it was in the best interest of the community to completely demolish the prior structures.
5. The Applicant's building and proposed use cannot be built in strict conformity to the Zoning Ordinance without a variance.
6. The Board determined that the Application met the standards for granting a variance. The property is unique and a difficulty was deemed to exist by virtue of the history of the property and prior ownership, the variance is necessary to allow for reasonable use of the property, the variance will not alter the essential character of the neighborhood, and the requested variance is the minimum necessary to afford relief.
7. No persons appeared in opposition.

The Board granted the requested variances.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board members voting in favor were: Mr. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman, and Mr. Hudson; voting against – none.

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 December 14, 2011.