

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY
IN RE: GEORGE ENGLAND AND SYLVIA E. HOLLEGER ENGLAND

(Case No. 10905)

A hearing was held after due notice on December 12, 2011. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. Ronald McCabe, Mr. John Mills, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a variance of the minimum lot width requirement.

Findings of Fact

The Board found that the Applicants were seeking a variance of 115.42 feet from the 150 foot minimum lot width requirement for a parcel. The Applicants have requested that the aforementioned requested variances be granted as it pertains to certain real property located west of Road 42 (Union Church Road), approximately 845 feet north of Road 620 (Abbott's Pond Road); said property being identified as Sussex County Tax Map Parcel Number 1-30-6.00-7.02. After a hearing, the Board made the following findings of fact:

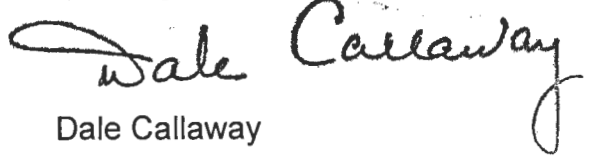
1. George England testified on behalf of the Applicants.
2. The Board found that the Applicant's mother Sylvia E. Holleger-England has owned the Property since 1989 and the Property is long and narrow in size.
3. The Board found that the Property fronts on two (2) roads and the Applicant seeks to subdivide the Property into two parcels of 1.21 acres and 2.79 acres.
4. The Board found that Sylvia E. Holleger-England lives on the 2.79 acre parcel and her son George England intends to build a dwelling on the 1.21 acre parcel to be closer to his mother.
5. The Board found that the Property is in the same shape as it was when purchased in 1989 and that there has been no change in the road frontage.
6. The Board found that, if subdivided, the 1.21 acre parcel will be accessed from Shawnee Road and the 2.79 acre parcel will be accessed from North Union Church Road.
7. No persons appeared in opposition to the Application.
8. Seven (7) persons appeared in favor of the Application.
9. Based on the findings above and the testimony presented at the public hearing, the Board determined that the application met the standards for granting a variance. The difficulty was not caused by the Applicants. The Property was unique due to the odd shape of the lot and the narrowness of the road frontage. There is no possibility the Property could be developed in strict conformity with the Sussex County zoning ordinances. The variance is necessary for the reasonable use of the Property. The variance would not alter the character of the neighborhood. The variance is the minimum relief 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 application was granted. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. Ronald McCabe, Mr. John Mills, and Mr. Brent Workman. No Members of the Board voted in opposition to the Application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY

A handwritten signature in black ink that reads "Dale Callaway". The signature is written in a cursive style with a large, looping "D" and a long, sweeping "y" at the end.

Dale Callaway
Chairman

If the use is not established within one (1)
year from the date below the application
becomes void.

Date March 21, 2012.