

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: WALTER COOPER AND JOANNE COOPER (Case No. 10907)

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 front yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicants were seeking a variance of 0.8 feet from the 30 foot front yard setback requirement for a manufactured home, a variance of 0.3 feet from the 5 foot side yard setback requirement for an open deck, and a variance of 0.3 feet from the 5 foot side yard setback requirement for an existing shed. The Applicants have requested that the aforementioned requested variances be granted as it pertains to certain real property located east of Road 297 (Oak Orchard Road) northwest of Basin Road, being Lot 85 within Delaware Oyster Farms development; said property being identified as Sussex County Tax Map Parcel Number 2-34-35.05-32.01. After a hearing, the Board made the following findings of fact:

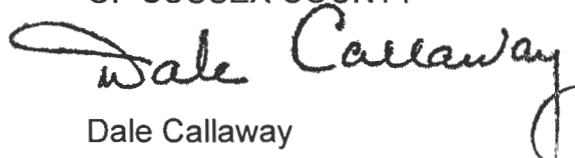
1. Walter Cooper testified on behalf of the Applicants.
2. The Board found that the Applicants purchased the Property in 2007 and that the Applicants were unaware of any encroachments until a survey was completed.
3. The Board found that Certificates of Compliance were issued for all structures on the Property.
4. The Board found that the prior owner constructed the porch and deck.
5. No persons appeared in opposition to the Application.
6. Four (4) persons appeared in support of the Application.
7. 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 variances are necessary for the reasonable use of the Property. The variances are the minimum necessary to afford relief to the Applicants. The variances would not alter the character of the neighborhood.

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



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