

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: BUDDY ASSOCIATES, LLC (Case No. 10911)

A hearing was held after due notice on December 19, 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 setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 5.7 feet from the 30 foot front yard setback requirement for an existing dwelling. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located southeast of Graves Lane, 442 feet southeast of Road 48; said property being identified as Sussex County Tax Map Parcel Number 2-34-20.00-8.02. After a hearing, the Board made the following findings of fact:

1. Shannon Carmean, Esquire, testified on behalf of the Applicant.
2. The Board found that the Applicant purchased the Property in 2005 from William Graves.
3. The Board found that William Graves owned the initial tract of land and subdivided that tract into three (3) parcels including the Property subject to this Application.
4. The Board found that the Applicant constructed a dwelling on the Property in 2008 after obtaining a building permit and the Applicant obtained a Certificate of Compliance in June 2008.
5. The Board found that, in subdividing the original tract, Mr. Graves created a cul-de-sac of record but never actually built the cul-de-sac.
6. The Board found that the Applicant recently sold the Property to Ashley Collison. During the course of that transaction, the parties obtained a survey which identified an encroachment in the front yard setback due to the location of the record cul-de-sac.
7. The Board found that Ms. Carmean stated that the Property is unique due to the cul-de-sac, that the need for variance was created by Mr. Graves for failing to actually build the cul-de-sac, that the dwelling cannot be relocated, that it cannot be otherwise developed, that it will not alter the character of the neighborhood, and that the relief sought is the minimum variance to afford relief.
8. No persons appeared in opposition or in support 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 dwelling has been on the Property for three (3) years and the problem was caused by the existence of the recorded cul-de-sac, which has not actually been built. The variance would not alter the essential 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 22, 2012.