

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: LUTHER LEIGHTON (Case No. 10926)

A hearing was held after due notice on January 23, 2012. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, 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 Applicant was seeking a variance of 95.39 feet from the 150 foot minimum lot width requirement. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Road 280 (Stockley Road) approximately 3,400 feet east of Road 290 (Coolspring Road); said property being identified as Sussex County Tax Map Parcel Number 2-34-5.00-56.00. After a hearing, the Board made the following findings of fact:

1. The Applicant Luther Leighton was present to testify to the Application.
2. The Applicant owns a lot consisting of approximately 26.73 acres and seeks to subdivide the Property into two (2) lots consisting of 24.22 acres and 2.5 acres.
3. The Property only has 223 feet of road frontage but the Property expands to 500 feet in width away from the road.
4. The 2.5 acre parcel would be used for the Applicant's daughter to build a house.
5. The Applicant intends to build a home on the 24.22 acre parcel and raise horses on that parcel. Otherwise, the Applicant intends to leave the parcel in "as is" condition.
6. The two parcels would use a shared driveway and the Applicant has obtained a Letter of No Objection from the Delaware Department of Transportation.
7. The shape and size of the Property is unique due to its size and lack of road frontage.
8. The Property cannot be subdivided without a variance.
9. The proposed subdivision will not alter the character of the neighborhood since there are other single family dwellings in the area.
10. Timothy Willard, Esquire, was present on behalf of the Applicant.
11. Three (3) persons appeared in favor of the Application.
12. No persons appeared in opposition to the Application.
13. 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 property is unique because of the lot shape and lack of road frontage. The need for a variance was not caused by the Applicant and the Property could not be developed in strict conformity with the Zoning Code. The variance sought is the minimum to afford relief and will not alter the character of the neighborhood. The variance is needed to enable reasonable use of the property. The variance would not alter the essential character of the neighborhood since there are other similar homes in the area.

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. Norman Rickard, and

Mr. Brent Workman. Mr. John Mills voted against the Application because he felt as though the Applicant created the need for the variance.

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 February 21, 2012