

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: PAUL A. KING AND GLADYS D. KING (Case No. 10934)

A hearing was held after due notice on February 6, 2012. The Board members present were: Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances of the front yard, side yard, and corner side yard setback requirements.

Findings of Fact

The Board found that the Applicants are seeking a variance of 3 feet from the 5 foot front yard setback requirement for a swoop and stairs with a roof and a 4 foot variance from the 10 foot side yard setback requirement for a dwelling. The Applicants are no longer seeking a corner side yard variance. The Applicants have requested that the aforementioned requested variances be granted as it pertains to certain real property located on the southeast corner of Route 54 (Old Lighthouse Road) and Taft Avenue, being Lot 1, within Cape Windsor development; said property being identified as Sussex County Tax Map Parcel Number 5-33-20.18-170.01. After a hearing, the Board made the following findings of fact:

1. Paul King, Gladys King, and David Haller testified on behalf of the Applicants.
2. Raymond Tomasetti, Esquire, appeared on behalf of the Applicants.
3. The Board found that the Property has a unique triangular shape.
4. The Board found that the Applicants propose to construct a three (3) story dwelling consisting of approximately 2,800 square feet on the Property.
5. The Board found that the Applicants testified that the proposed dwelling is designed to fit the triangular lot but the shape of the lot leaves a small building footprint.
6. The Board found that the Applicants testified that the community has other similar dwellings in the neighborhood and presented pictures in support of the Application.
7. The Board found that the Property was an original lot in the Cape Windsor development.
8. No persons appeared in opposition to 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 Property is unique due to the triangular shape. The difficulty was not caused by the Applicants as the Applicants did not create the lot. The variances sought are the minimum to afford relief and will not alter the essential character of the neighborhood. The variances are needed to enable reasonable use of the property.

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. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Member voted against 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.