

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JUANITA ROBERTS (Case No. 10964)

A hearing was held after due notice on April 16, 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 maximum square footage required for a parcel requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 5,471 square foot variance from the required 32,670 square foot requirement for a parcel. The Applicant has requested that the aforementioned requested variances be granted as it pertains to certain real property located southwest of Road 38, 1,960 feet west of Greentop Road; said property being identified as Sussex County Tax Map Parcel Number 2-30-6.00-19.00. After a hearing, the Board made the following findings of fact:

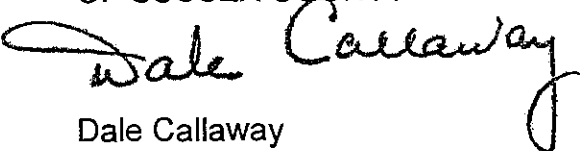
1. Juanita Roberts and Bob Nash, a surveyor, appeared at the hearing and testified on behalf of the Application.
2. The Board found that the Applicant testified that she acquired the land in 1987 and built chicken houses on the property which she operated with her husband until his death three (3) years ago.
3. The Board found that the Applicant testified that she can no longer run the farm on her own and that her grandson will care for the chickens.
4. The Board found that the Applicant testified that the Applicant proposes to subdivide the farm to separate the chicken houses from the new lot to be created and that she plans to build a smaller dwelling on the proposed lot.
5. The Board found that the Applicant testified that the proposed lot cannot meet the size requirement due to the location of existing structures on the property which make it impossible to add the necessary square footage to the lot.
6. The Board found that one (1) party appeared in support of the Application.
7. The Board found that no parties appeared in opposition to the Application.
8. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The Property is unique because of its physical characteristics. The variance is necessary to enable reasonable use of the Property. The variance will not alter the essential character of the neighborhood and is the minimum variance to afford relief. The need for the variance was not created by the Applicant.

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

Dale Callaway
Chairman

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

Date May 8, 2012