

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY
IN RE: GARRY GROUND AND ALICE GROUND (Case No. 10968)

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 variances of the front yard, rear yard, and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 1.6 feet from the required 30 foot front yard setback requirement and a 0.5 foot variance from the required 10 foot side yard setback requirement for an existing dwelling, a 0.8 foot variance from the required 30 foot front yard setback requirement and a 0.3 foot variance from the required 5 foot side yard setback requirement for an existing shed, a 4.7 foot variance from the required 5 foot side yard setback requirement and a 4.8 foot variance from the required 5 foot rear yard setback requirement for an existing shed. The Applicant has requested that the aforementioned requested variances be granted as it pertains to certain real property located north of Road 361 (Muddy Neck Road) east of Daina Drive, being Lot 19 within Ocean Way Estates development; said property being identified as Sussex County Tax Map Parcel Number 1-34-17.00-248.00. After a hearing, the Board made the following findings of fact:

1. Garry Ground and Alice Ground appeared at the hearing and testified on behalf of the Application.
2. The Board found that the Applicants testified that they purchased the Property ten (10) years ago and built a dwelling and a shed thereon.
3. The Board found that the Applicants testified the Applicants built another shed on the Property six (6) years ago and that in December 2011 they built an addition on the dwelling.
4. The Board found that the Applicants testified that when they applied for the Certificate of Compliance for the addition, they discovered the addition did not meet the setback requirements.
5. The Board found that the Applicants testified that they obtained a survey of the Property years ago but a more recent survey showed a different pin location than was shown on the first survey.
6. The Board found that the Applicants testified that the existing dwelling occupies the entire buildable area.
7. The Board found that the Applicants testified that the lot is unique in shape due to the curvature of the road and that the bend in the road makes the side yard appear to be part of the front yard.
8. The Board found that the Applicants submitted a letter in support of the Application.
9. The Board found that two (2) parties appeared in support of the Application.
10. The Board found that no parties appeared in opposition to the Application.
11. The Board found that the Planning & Zoning Department received six (6) letters in support of the Application.
12. 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 odd shape due to the curvature of the road. 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 as there have been survey discrepancies recently discovered.

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


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