

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ALPHA FARMS, LLC (Case No. 10979)

A hearing was held after due notice on May 21, 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 setback, the minimum lot width, and the minimum square footage requirements.

Findings of Fact

The Board found that the Applicants were seeking a variance of a 79.25 feet from the required 150 foot lot width requirement, a 1,766.40 square foot variance from the required 20,000 square foot lot size requirement, and a 7.39 foot variance from the required 40 foot front yard setback requirement for an existing dwelling on Lot 1, a 79.25-foot variance from the required 150 foot lot width requirement, a 2,292.60 square foot variance from the required 20,000 square foot lot size requirement for Lot 2. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Road 88 (Cave Neck Road) approximately 1,088 feet west of Front Street; said property being identified as Sussex County Tax Map Parcel Number 2-35-20.00-49.00. After a hearing, the Board made the following findings of fact:

1. Shawna Thompson and Charles Adams, a surveyor, testified on behalf of the Application.
2. The Board found that the Applicants testified that they intend to subdivide an existing lot into two (2) lots.
3. The Board found that the Applicants testified that they plan to relocate an existing dwelling to the proposed Lot 2.
4. The Board found that the Applicants testified that the dwelling to be moved to Lot 2 is set to be demolished if not moved.
5. The Board found that the Applicants testified that the existing dwelling will remain on proposed Lot 1 and that the existing dwelling will be renovated.
6. The Board found that the Applicants testified that the lots will use a shared driveway.
7. The Board found that the Applicants testified that the proposed dwelling will meet the required setback requirements.
8. The Board found that the Applicants testified that without the variance the Property cannot be otherwise developed and that there are similar sized lots in the area.
9. The Board found that the Applicants submitted pictures in support of the Application.
10. The Board found that no parties appeared in opposition to or in support of the Application.
11. 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 cannot otherwise be developed. The variance will enable the 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. Norman Rickard, and Mr. Brent Workman. Mr. John Mills 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 June 19, 2012