

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: WILBERT D. LAWSON & MARGARET LAWSON (Case No. 10986)

A hearing was held after due notice on June 4, 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 and side yard setback requirements.

Findings of Fact

The Board found that the Applicants were seeking a variance of 0.8 feet from the required 30 foot front yard setback requirement for an existing dwelling and a 1.6 foot variance from the required 5 foot side 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 Route 634 (Meadow Brook Lane) southeast of Haven Lake Avenue, being Lot 10 & part of Lot 11 within Lakewood development; said property being identified as Sussex County Tax Map Parcel Number 1-30-3.06-29.00. After a hearing, the Board made the following findings of fact:

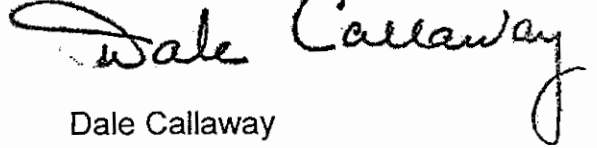
1. Wilbert Lawson appeared at the hearing and testified on behalf of the Application.
2. The Board found that the Applicant testified that he purchased the Property in 2009.
3. The Board found that the Applicant testified that the house was built in 1995 and the shed was built in 2005.
4. The Board found that the Applicant testified that a recent survey showed the encroachment when he tried to obtain a building permit for a proposed addition.
5. The Board found that the Applicant testified that the road curves around the Property and the house is angled on the lot.
6. The Board found that the Applicant testified that a Certificate of Compliance was issued on both the dwelling and the shed.
7. The Board found that the Applicant testified that he did not place the shed or construct the dwelling.
8. The Board found that the Applicant testified that the shed is on a concrete slab and cannot be moved into compliance.
9. The Board found that the Applicant testified that the adjacent lot is vacant.
10. The Board found that the Applicant testified that the difficulty was not created by the Applicant, that it will not alter the character of the neighborhood, that the variance will enable reasonable use of the property, and that it is the minimum variance to afford relief
11. The Applicant submitted pictures of the Property.
12. The Board found that no parties appeared in opposition to or in support of the Application.
13. 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 it is a corner lot. 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 the prior owner constructed the structures and obtained a certificate of compliance.

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 July 3, 2012