

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: MIKE CUMMINGS (Case No. 10991)**

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 a variance of the front yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 9.75 feet from the required 30 foot front yard setback requirement for a proposed addition. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Road 26 (Atlantic Avenue) east of Grants Avenue, northeast of Waterside Circle, being Lot 35 within The Inlet at Pine Grove development; said property being identified as Sussex County Tax Map Parcel Number 1-34-12.00-2736.00. After a hearing, the Board made the following findings of fact:

1. Michael Cummings and Charles Obst appeared at the hearing and testified on behalf of the Application.
2. The Board found that Mr. Cummings testified that the Applicant seeks to build an addition to his dwelling.
3. The Board found that the Property is unique in shape since the road is on three (3) sides of the Property. The location of the road makes the front yard setback unique.
4. The Board found that Mr. Cummings testified that the existing dwelling has no windows on the side of the addition and that the proposed addition will add light and storage to the existing dwelling.
5. The Board found that Mr. Cummings testified that the proposed addition will not be detrimental to adjacent properties, that it will not alter the character of the neighborhood, and that it is the minimum variance to afford relief.
6. The Board found that Mr. Obst testified that he plans to retire to the Property and he will need the extra living and storage space.
7. The Board found that Mr. Obst testified that he has owned the Property for three (3) years.
8. The Board found that the Applicant submitted pictures of the Property to the Board.
9. The Board found that no parties appeared in opposition to or in support of the Application.
10. 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 in shape. 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 variance represents the least modification possible of the regulation in issue.

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*

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