

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

**IN RE: JOHN P. LAURSEN (Case No. 10997)**

A hearing was held after due notice on July 2, 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 to permit an additional year for reconstruction of commercial structure damaged by fire.

Findings of Fact

The Board found that the Applicant was seeking a variance to allow the Applicant an additional one (1) year to reconstruct a commercial structure damaged by fire. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located corner of Argo's Corner Road and Slaughter Beach Road; said property being identified as Sussex County Tax Map Parcel Number Tax Map I.D. 2-30-7.00-117.00. After a hearing, the Board made the following findings of fact:

1. John P. Laursen appeared at the hearing and testified on behalf of the Application.
2. James Fuqua, Esquire, appeared on behalf of the Applicant and presented the Application to the Board.
3. The Board found that Mr. Fuqua stated that store located on the Property was destroyed by a fire last year and the Applicant seeks a time extension to allow the Applicant more time to decide whether to rebuild the store or to pursue other possibilities.
4. The Board found that Mr. Fuqua stated that the store was a non-conforming use of the Property which pre-dated the enactment of the Sussex County Zoning Code.
5. The Board found that Mr. Fuqua stated that the fire was determined to be an act of arson by the State Fire Marshal.
6. The Board found that Mr. Fuqua stated that the Applicant had no insurance on the building and that, due to poor economic times, he has not yet rebuilt the store.
7. The Board found that Mr. Fuqua stated that the circumstances make the situation unique and that the use will not alter the character of the neighborhood since the store had been in existence for many years.
8. The Board found that Mr. Fuqua stated that the Applicant will either rebuild the store or build a residential structure permitted in the GR-Zoning.
9. The Board found that Mr. Fuqua stated that this is a minimum variance to afford relief.
10. The Board found that Mr. Laursen, under oath, confirmed the statements by Mr. Fuqua.
11. The Board found that the Applicants submitted a packet of information to the Board including pictures in support of the Application.
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 circumstances related to the fire make the situation unique. The need for the variance was not created by the Applicant. 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 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 August 7, 2012