

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: BILLIE R. LEIGH AND ELIZABETH A. LEIGH (Case No. 11006)

A hearing was held after due notice on July 16, 2012. The public record was left open and a second hearing was held on August 6, 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 side yard setback requirement for a corner lot.

Findings of Fact

The Board found that the Applicants were seeking a variance of 4.3 feet from the required 14 foot side yard setback requirement for a corner lot for an existing dwelling. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located east of Route 54 (Lighthouse Road), southeast corner of Oyster Bay Lane and Salty Way Drive, being Lot 131 within Keenwik West development; said property being identified as Sussex County Tax Map Parcel Number 5-33-19.07-96.00. After a hearing, the Board made the following findings of fact:

1. Megan Hudson, Esquire, appeared on behalf of the Applicants and presented the Application to the Board.
2. The Board found that Mrs. Hudson stated that the dwelling was built in 1973.
3. The Board found that Mrs. Hudson stated that in 2006 a permit was issued to relocate the dwelling to its present location and to construct a sunroom.
4. The Board found that Mrs. Hudson stated that Sussex County issued a Certificate of Compliance in 2007 after the dwelling was moved.
5. The Board found that Mrs. Hudson stated that the Applicants purchased the Property on May 18, 2012.
6. The Board found that Mrs. Hudson stated that a survey completed for settlement showed the encroachment into the setback area.
7. The Board found that Mrs. Hudson stated that the lot is narrow in size and that the difficulty was not created by the Applicants.
8. The Board found that Mrs. Hudson stated that the Property cannot otherwise be developed.
9. The Board found that Mrs. Hudson stated that the variance will enable reasonable use of the Property.
10. The Board found that Mrs. Hudson stated that the variance will not alter the character of the neighborhood and that it is the minimum variance to afford relief.
11. The Board found that no parties appeared in opposition to or in support of the Application.
12. Since the Applicants were not present to affirm the presentation of Mrs. Hudson, the Board voted to leave the public record open until the Board's next hearing so that the Applicants could appear and testify before the Board.
13. The Board found that on August 6, 2012, Billie Leigh appeared and was sworn in to testify about the Application.
14. The Board found that Mr. Leigh was present with his attorney Megan Hudson.
15. The Board found that Mr. Leigh testified that he listened to the audio of Mrs. Hudson's presentation before the Board on July 16, 2012, and affirmed the presentation as true and correct.
16. The Board found that Mr. Leigh testified that the survey completed for settlement showed the encroachment, that the difficulty was not created by the Applicants,

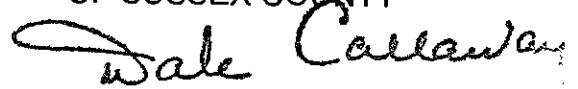
- that the variance will not alter the character of the neighborhood, and that it is the minimum variance to afford relief.
17. The Board found that two parties appeared in support of the Application.
 18. The Board found that no parties appeared in opposition to the Application.
 19. Based on the findings 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 narrow lot. The Property cannot be developed in strict conformity with the Sussex County zoning ordinance. The need for the variance was not created by the Applicants. 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 September 11, 2012