

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SUSAN SPENCER (Case No. 11011)

A hearing was held after due notice on July 16, 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 minimum lot width requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 65 feet from the required minimum 150 foot lot width requirement for a proposed parcel. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located southwest of Road 363 (Double Bridges Road) south of Wooded Way; said property being identified as Sussex County Tax Map Parcel Number 1-34-19.00-71.02. After a hearing, the Board made the following findings of fact:

1. Susan Spencer, Richard Spencer, and Maxwell Morris appeared, testified, and presented the Application to the Board.
2. The Board found that Mr. Morris testified that he is a surveyor and that the Applicants own Tracts B & C as shown on a survey attached to the Application.
3. The Board found that Mr. Morris testified that the Applicants want to sell Tracks B & C but the existing dwelling on Tract C encroaches onto Tract B.
4. The Board found that Mr. Morris testified that the Applicants propose to revise the lot lines between Tracks B & C so that the dwelling no longer encroaches onto Track B.
5. The Board found that Mr. Morris testified that the proposed revised lot lines will result in an even exchange of land between the two tracts.
6. The Board found that Mr. Morris testified that the original subdivision was created in 1993.
7. The Board found that Mr. Morris testified that the Applicants purchased the Property in 1998 and that the dwelling existed in its current location when the Applicants purchased it.
8. The Board found that Mr. Morris testified that the Conservation District requires that the lots maintain a lot width of 150 feet.
9. The Board found that Mr. Morris testified that the minimum lot width requirement prevents the lot lines from being redesigned so that the dwelling would no longer encroach onto Track B.
10. The Board found that Mr. Morris testified that the Property is unique in shape due to the angled property lines.
11. The Board found that Mr. Morris testified that the proposed revised property lines will create a more normal shape for Track C.
12. The Board found that Mr. Morris testified that the variance will enable reasonable use of the Property.
13. The Board found that Mr. Morris testified that the need for the variance was not created by the Applicant.
14. The Board found that Mr. Morris testified that the variance will not alter the character of the neighborhood and that it is the minimum variance to afford relief.
15. The Board found that Mrs. Spencer testified that public sewer is available to the properties.
16. The Board found that no parties appeared in opposition to the Application.
17. The Board found that two (2) parties appeared in support of the Application.

18. 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. There is no possibility the Property can be developed in strict conformity with the Sussex County zoning ordinance. 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

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.