

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SLD INVESTMENTS, II, L.L.C. (Case No. 11016)

A hearing was held after due notice 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 variances of the minimum square footage requirement for two (2) duplexes.

Findings of Fact

The Board found that the Applicant was seeking a variance of 2,249 feet from the required 7,260 square foot requirement for a duplex on certain real property located east of Route 1 (Coastal Highway) approximately 140 feet north of Delaware Avenue, being Lot 13; said property being identified as Sussex County Tax Map Parcel Number 1-34-23.20-133.00 (hereinafter "Lot 13"). The Board found that the Applicant was also seeking a variance of 2,277 square feet from the required 7,260 square foot requirement for a duplex on certain real property located east of Route 1 (Coastal Highway) approximately 142 feet south of Maryland Avenue, being Lot 14; said property being identified as Sussex County Tax Map Parcel Number 1-34-23.20-120.00 (hereinafter "Lot 14"). For purposes of these Findings, Lot 13 and Lot 14 shall collectively be referred to as the Properties. After a hearing, the Board made the following findings of fact:

1. Charles Zonko appeared and testified on behalf of the Application to the Board.
2. James Fuqua, Esquire, presented the Application on behalf of the Applicant.
3. The Board found that Mr. Fuqua stated that the Applicant is requesting a 2,249-square-foot variance from the required 7,260-square-foot requirement for a duplex on Lot 13 and a 2,277-square-foot variance from the required 7,260-square-foot requirement for a duplex on Lot 14.
4. The Board found that Mr. Fuqua stated that Lot 13 and Lot 14 are adjacent properties; both of which are owned by the Applicant.
5. The Board found that Mr. Fuqua stated that the Properties are zoned commercial (C-1).
6. The Board found that Mr. Fuqua stated that the proposed duplexes will not alter the character of the neighborhood as there is a mixed use of residential and commercial throughout the area.
7. The Board found that Mr. Fuqua stated that the Applicant also owns property adjacent to the Properties.
8. The Board found that Mr. Fuqua stated that there have been numerous variances granted in the area including thirteen density variances.
9. The Board found that Mr. Fuqua stated that there will be adequate parking on the Properties.
10. The Board found that Mr. Fuqua stated that the difficulty was not created by the Applicant.
11. The Board found that Mr. Fuqua stated that the variances will not alter the character of the neighborhood as the trend in the neighborhood is for high density residential use.
12. The Board found that Mr. Fuqua stated that the Applicant will meet all the required setback requirements.
13. The Board found that Mr. Fuqua stated that the variances requested are the minimum variances to afford relief.

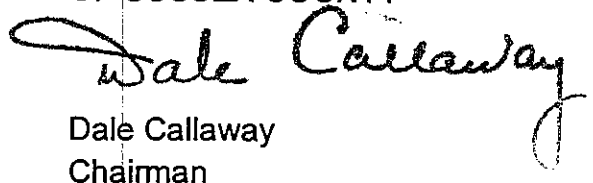
14. The Board found that Mr. Zonko, under oath, confirmed the statements by Mr. Fuqua.
15. The Board found that no parties appeared in opposition to or in support of the Application.
16. The Board found that one party submitted a letter in opposition to the Application.
17. Based on the findings above 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 Properties are unique in size. The need for the variances was not created by the Applicant. The variances are necessary to enable reasonable use of the Properties. The variances will not alter the essential character of the neighborhood and are the minimum variances 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