

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: LYNN WILSON AND ROBERT WILSON (Case No. 11035)

A hearing was held after due notice on September 10, 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 Applicants were seeking a variance of 12.13 feet from the 30 foot front yard setback requirement for a proposed dwelling. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located southwest of Route 1 (Coastal Highway) east of Venetian Drive, being Lot B-15 within Seabreeze development; said property being identified as Sussex County Tax Map Parcel Number 3-34-20.17-5.00. After a hearing, the Board made the following findings of fact:

1. Lynn Wilson and Robert Wilson were present and sworn in to testify about the Application.
2. James Fuqua, Esquire, presented the Application on behalf of the Applicants.
3. The Board found that Mr. Fuqua stated that the original dwelling was constructed in the 1960's by Lynn Wilson's parents and that Lynn Wilson and her siblings inherited the Property when her parents passed away.
4. The Board found that Mr. Fuqua stated that Lynn Wilson purchased the Property from her siblings.
5. The Board found that Mr. Fuqua stated that the Applicants demolished the original dwelling on the Property and intend to place a new dwelling on the Property.
6. The Board found that Mr. Fuqua stated that the Property is located on a dead end street.
7. The Board found that Mr. Fuqua stated that a cul-de-sac creating the encroachment only exists on paper it has never been constructed.
8. The Board found that Mr. Fuqua stated that the proposed dwelling will be located 6.7 feet from the recorded cul-de-sac and within that same footprint as the original dwelling.
9. The Board found that Mr. Fuqua stated that the lot is unique due to the cul-de-sac and the canal adjacent to the rear property line.
10. The Board found that Mr. Fuqua stated that the dwelling across the street was granted a variance due to the cul-de-sac.
11. The Board found that Mr. Fuqua stated that the variance will enable reasonable use of the Property.
12. The Board found that Mr. Fuqua stated that the proposed dwelling will be in character with the existing homes in the neighborhood and will not interfere with the views of any neighbors.
13. The Board found that Mr. Fuqua stated that the difficulty was not created by the Applicant.
14. The Board found that Mr. Fuqua stated that the proposed dwelling will not alter the character of the neighborhood.
15. The Board found that Mr. Fuqua stated that the proposed variance is the minimum variance to afford relief.
16. The Board found that Mr. Fuqua submitted exhibits to the Board in support of the Application.

17. The Board found that Lynn Wilson, under oath, confirmed the statements by Mr. Fuqua.
18. The Board found that no parties appeared in opposition to or in support of the Application.
19. The Board found that the Office of Planning & Zoning received one (1) letter in support of the Application and one (1) letter in opposition to the Application.
20. After taking the matter under advisement, the Board discussed the Application and voted on the Application.
21. 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 of the location of the recorded, but not yet built, cul-de-sac. The variance will not alter the essential character of the neighborhood. The variance will enable reasonable use of the Property as the proposed dwelling is within the footprint of the original dwelling. The requested variance is the minimum variance needed to afford relief. The need for the variance was not created by the Applicants.

The Board approved 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 approved. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Norman Rickard. No Member voted against the Motion to Approve 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 25, 2012