

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

**IN RE: JOHN J. SLANK, JR. (Case No. 11050)**

A hearing was held after due notice on September 24, 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 front yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 9.5 feet from the required thirty foot front yard setback requirement for an existing dwelling and a 2.2 foot variance from the required five foot side yard setback requirement for an existing shed. The Applicant has requested that the aforementioned requested variances be granted as it pertains to certain real property located south of road 358 (Sandy Cove Road) east of Holly Terrace development; said property being identified as Sussex County Tax Map Parcel Number 1-34-9.00-187.00. After a hearing, the Board made the following findings of fact:

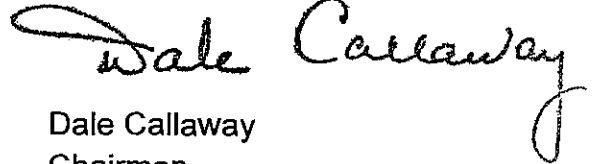
1. John J. Slank, Jr., was sworn in and testified on behalf of the Application.
2. The Board found that Mr. Slank testified that he is the Power of Attorney for the property owner who is his sister and that his sister has cancer. She also recently lost her husband and son.
3. The Board found that Mr. Slank testified that his sister sold the Property but \$10,000.00 has been retained in escrow due to the pending variances needed.
4. The Board found that Mr. Slank testified that the Property is located on a dead end road and that the road is maintained by the property owners.
5. The Board found that Mr. Slank testified that his sister purchased the Property in 1966 and built the dwelling in 1969.
6. The Board found that Mr. Slank testified that the shed has been on the lot since 1968.
7. The Board found that Mr. Slank testified that the variances will enable reasonable use of the Property.
8. The Board found that Mr. Slank testified that the variances, if granted, will not alter the essential character of the neighborhood.
9. The Board found that no parties appeared in opposition to or in support of the Application.
10. 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 age of the structures creates a unique situation. The variances will enable reasonable use of the Property. The Property cannot otherwise be developed in strict conformity with the Sussex County Zoning Ordinance. The variances, if granted will not alter the essential character of the neighborhood. The variances sought are the minimum variances necessary to afford relief. The variances are not detrimental to the public welfare.

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 October 16, 2012.