

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: STEPHEN PETER SOMERS (Case No. 11052)

A hearing was held after due notice on October 1, 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 corner side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 0.6 feet from the required 30 foot front yard setback requirement and a 1.6 foot variance from the 15 foot corner side yard setback requirement for an existing dwelling, a 1.5 foot variance from the required 15 foot corner side yard setback requirement for an existing swimming pool and second floor deck, and a 1.9 foot variance from the 15 foot corner 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 east of Road 357 (Cedar Neck Road) north east corner of South Orlando Avenue and Lloyd Street, being Lot 69 within Murray Estates development; said property being identified as Sussex County Tax Map Parcel Number 1-34-9.00-353.00. After a hearing, the Board made the following findings of fact:

1. Stephen Somers was sworn in and testified on behalf of the Application.
2. Manaen Robinson, Esquire, presented the case on behalf of the Applicant.
3. The Board found that Mr. Robinson submitted a survey.
4. The Board found that Mr. Robinson stated that the survey completed for settlement showed the encroachments into the setback areas.
5. The Board found that Mr. Robinson stated that the Applicant purchased the Property on May 18, 2012.
6. The Board found that Mr. Robinson stated that the dwelling was constructed in 1987 and the pool was constructed in 1988.
7. The Board found that Mr. Robinson stated that the shed was placed in 2000 and the sunroom was constructed in 2005.
8. The Board found that Mr. Robinson stated that the Property is a corner lot which creates uniqueness.
9. The Board found that Mr. Robinson stated that the difficulty was not created by the Applicant.
10. The Board found that Mr. Robinson stated that the variances will enable reasonable use of the Property.
11. The Board found that Mr. Robinson stated that the structures would have to be destroyed in order to comply with the setback requirements.
12. The Board found that Mr. Robinson stated that the variances will not alter the essential character of the neighborhood.
13. The Board found that Mr. Robinson stated that the variances sought are the minimum variances to afford relief.
14. The Board found that Mr. Somers, under oath, confirmed the statements by Mr. Robinson.
15. The Board found that Mrs. Isaacs stated that all building permits had been obtained and only the pool and fence still needed a Certificate of Compliance.
16. The Board found that no parties appeared in opposition to or in support of the Application.

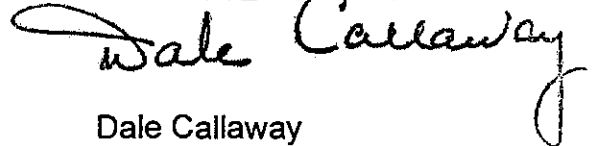
17. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The Property is a corner lot which makes it unique. There is no possibility the Property can be developed in strict conformity with the Sussex County Zoning Ordinance. The difficulty was not created by the Applicant as the problem was created by a previous owner. The variances will enable reasonable use of the Property. The variances, if granted will not alter the essential character of the neighborhood. The variances sought are the minimum variances to afford relief.

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 November 7, 2012