

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MICHAEL J. CUMMINGS (Case No. 11060)

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 a variance of the side yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 3.8 feet from the required 10 foot side yard setback requirement for a proposed addition. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Route 54 (Lighthouse Road) south of Maple Lane, being Lot 30 within Keen-Wik development; said property being identified as Sussex County Tax Map Parcel Number 5-33-19.16-48.00. After a hearing, the Board made the following findings of fact:

1. Michael Cummings, Jim Coffey, and Bob Bratt were sworn in and testified on behalf of the Application.
2. The Board found that Mr. Cummings submitted eight (8) letters in support of the Application.
3. The Board found that Mr. Cummings testified that the lot is uniquely shaped.
4. The Board found that Mr. Cummings testified that the design of the addition is based on the Homeowners Association setback requirement of 5 feet.
5. The Board found that Mr. Cummings testified that the Homeowners Association approves of this Application.
6. The Board found that Mr. Cummings testified that the Property is irregularly shaped.
7. The Board found that Mr. Cummings testified that the Property is only accessible at its narrowest point and the Applicant has difficulty maneuvering vehicles on the Property.
8. The Board found that Mr. Cummings testified that the variance will allow the Applicant to maneuver vehicles on the Property more easily.
9. The Board found that Mr. Cummings testified that the variance will enable reasonable use of the Property.
10. The Board found that Mr. Cummings testified that the variance will not alter the essential character of the neighborhood.
11. The Board found that Mr. Cummings testified that the variance will not impair use of neighboring or adjacent properties.
12. The Board found that Mr. Cummings testified that the variance is not detrimental to public welfare.
13. The Board found that Mr. Cummings testified that the variance represents the least modification possible of the regulation in issue.
14. The Board found that Mr. Cummings testified that the variance requested is the minimum variance to afford relief.
15. The Board found that Mr. Cummings testified that the addition is a proposed 1,000 square-foot attached garage.
16. The Board found that no parties appeared in support of or 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 Property is unique in shape. The

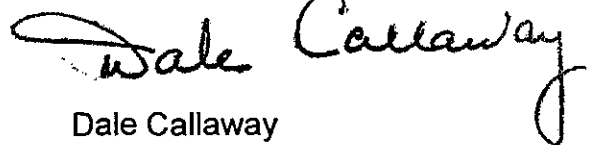
variance will enable reasonable use of the Property. The variance will not alter the essential character of the neighborhood. The variance will not be detrimental to the public welfare. The variance sought is the minimum variance to afford relief. The requested variance represents the least modification possible of the regulation in issue.

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