

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ANDREW GORDON AND LYNN GORDON (Case No. 11066)

A hearing was held after due notice on October 15, 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 0.6 feet from the required 30 foot front yard setback requirement for an existing dwelling. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located east of Road 357, southwest of Bayfront Drive, being Lot 5, within Quillen's Point development; said property being identified as Sussex County Tax Map Parcel Number 1-34-5.00-314.00. After a hearing, the Board made the following findings of fact:

1. Lynn Gordon was sworn in and testified on behalf of the Application.
2. Joseph Raskauskas, Esquire, presented the Application on behalf of the Applicants.
3. The Board found that Mr. Raskauskas stated that the dwelling was built in 1984 and that the lot is unique since it is narrow in size and a corner lot.
4. The Board found that Mr. Raskauskas stated that Bayfront Drive is the road on two sides of the lot.
5. The Board found that Mr. Raskauskas stated that the Applicants purchased the Property in March 2012 and that the Property has changed owners four (4) times since the construction of the dwelling.
6. The Board found that Mr. Raskauskas stated that there are two surveys for the Property that have different measurements.
7. The Board found that Mr. Raskauskas stated that the dwelling would have to be moved to comply with the setback requirements.
8. The Board found that Mr. Raskauskas stated that the variance will enable reasonable use of the Property.
9. The Board found that Mr. Raskauskas stated that the difficulty was not created by the Applicants.
10. The Board found that Mr. Raskauskas stated that the dwelling is one of the smaller dwellings in the development.
11. The Board found that Mr. Raskauskas stated that the dwelling has not been added to since its construction.
12. The Board found that Mr. Raskauskas stated that the variance will not alter the essential character of the neighborhood.
13. The Board found that Mr. Raskauskas stated that neighbors have no objection to the Application.
14. The Board found that Mr. Raskauskas stated that the dwelling is one of the smaller houses in the development.
15. The Board found that Mr. Raskauskas stated and that the variance sought is the minimum variance to afford relief.
16. The Board found that Mrs. Gordon, under oath, confirmed the statements by Mr. Raskauskas.
17. The Board found that no parties appeared in support of or in opposition to the Application.

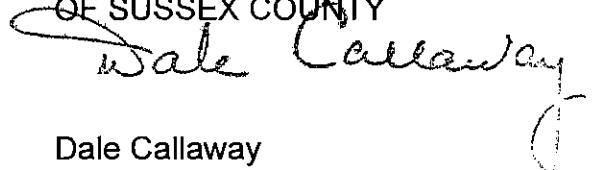
18. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The Property is unique because it is a corner lot. The variance will enable reasonable use of the Property. The difficulty was not created by the Applicants. The variance will not alter the essential character of the neighborhood. The variance sought is the minimum variance 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