

## BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

### IN RE: CLARENCE E. YOUNG (Case No. 11076)

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 minimum lot width requirement.

#### Findings of Fact

The Board found that the Applicant was seeking a variance of 68.77 feet from the 150 feet lot width requirement for a parcel. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located west of Road 211 (Elks Lodge Road) approximately 1,130 feet southeast of Road 206 (Wilkins Road); said property being identified as Sussex County Tax Map Parcel Number 3-30-15.00-51.00. After a hearing, the Board made the following findings of fact:

1. Bob Nash was sworn in and testified on behalf of the Application.
2. The Board found that Mr. Nash testified that the Property was bequeathed to the Applicant's family in 1963.
3. The Board found that Mr. Nash testified that the Property originally consisted of two (2) parcels.
4. The Board found that Mr. Nash testified that in 1982 or 1983 the heirs deeded their interests in the Property to Lawrence Young and Clarence Young.
5. The Board found that Mr. Nash testified that in 1984 the Youngs combined the two (2) parcels to create one (1) larger parcel.
6. The Board found that Mr. Nash testified that the Youngs subdivided a half acre parcel from the larger parcel.
7. The Board found that Mr. Nash testified that one of the heirs is now deceased and his son wants to separate the Property as it existed prior the combination of the two (2) parcels.
8. The Board found that Mr. Nash testified that the Applicant now wants to subdivide the remaining acreage into two (2) separate 2.5 acre parcels.
9. The Board found that Mr. Nash testified that the Property cannot be developed in strict conformity with the Sussex County Zoning Code due to the lack of road frontage.
10. The Board found that Mr. Nash testified that the lots will be of ample width in the rears of those lots.
11. The Board found that Mr. Nash testified that the difficulty was not created by the Applicant.
12. The Board found that Mr. Nash testified that the half acre lot creates a uniqueness.
13. The Board found that Mr. Nash testified that the variance will not adversely affect the uses of neighboring properties.
14. The Board found that Mr. Nash testified that the variance will not be detrimental to public welfare.
15. The Board found that Mr. Nash testified that the request will not alter the character of the neighborhood.
16. The Board found that Mr. Nash testified that the manufactured home will be relocated to comply with the setback requirements.
17. The Board found that Mr. Nash submitted pictures.
18. The Board found that no parties appeared in opposition to the Application.


19. The Board found that five (5) parties appeared in support of the Application.
20. The Board took the case under advisement and discussed 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 due to a prior subdivision. 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.