

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SCOTT R. CORNEW (Case No. 11087)

A hearing was held after due notice on November 5, 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, rear yard, and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 5.5 feet from the 30 foot front yard setback requirement for an existing dwelling, a variance of 0.3 feet from the 10 foot side yard setback requirement for an existing dwelling, a variance of 4.3 foot from the 10 foot side yard setback requirement for a second floor deck, and a 4.0 foot variance from the 10 foot rear yard setback requirement for a second floor deck and a screen porch. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located west of Route 1 (Ocean Highway) west of Creek Road, being Lot 106 within Bayview Park development; said property being identified as Sussex County Tax Map Parcel Number 1-34-20.07-146.00. After a hearing, the Board made the following findings of fact:

1. Scott Cornew was sworn in and testified on behalf of the Application.
2. James Fuqua, Esquire, appeared and presented the Application on behalf of the Applicant.
3. The Board found that Mr. Fuqua stated that the Applicant inherited the Property in 2010 from his mother.
4. The Board found that Mr. Fuqua stated that the Applicant's mother purchased the Property in 1987 and that she made no changes to the Property during her period of ownership.
5. The Board found that Mr. Fuqua stated that the Applicant was trying to sell the Property when a survey completed for settlement showed the encroachments.
6. The Board found that Mr. Fuqua stated that the Property is unique in shape.
7. The Board found that Mr. Fuqua stated that it cannot be developed in strict conformity.
8. The Board found that Mr. Fuqua stated that the variances will not alter the character of the neighborhood since the encroachments have existed for 25 years.
9. The Board found that Mr. Fuqua stated that the difficulty was not created by the Applicant.
10. The Board found that Mr. Fuqua stated that the variances sought are the minimum variances necessary to afford relief.
11. The Board found that Mr. Cornew, under oath, confirmed the statements made by Mr. Fuqua.
12. The Board found that no parties appeared in support of or in opposition to the Application.
13. 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 size. The variances will enable reasonable use of the Property. The difficulty was not created by the Applicant. The variances will not alter the essential character of the neighborhood. The variances sought are the minimum variances necessary 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, Mr. Norman Rickard and Mr. Brent Workman. 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 December 11, 2012.