

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SHARON L. SHERWOOD & VAN SHERWOOD (Case No. 11088)

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 a variance of the side yard setback requirement.

Findings of Fact

The Board found that the Applicants were seeking a variance of 3.4 feet from the 15 feet side yard setback requirement for an existing detached studio. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property northeast of Route 1 (Coastal Highway) approximately 98 feet east of Millcreek Manor Court; said property being identified as Sussex County Tax Map Parcel Number 3-34-1.00-7.01. After a hearing, the Board made the following findings of fact:

1. Sharon Sherwood was sworn in and testified on behalf of the Application.
2. The Board found that Ms. Sherwood testified that the Applicants purchased the Property in 2011.
3. The Board found that Ms. Sherwood testified that the Applicants are renovating the existing dwelling on the Property.
4. The Board found that Ms. Sherwood testified that, when discussing use of the property with Planning & Zoning, it was discovered the detached studio does not meet the setback requirements.
5. The Board found that Ms. Sherwood testified that she does not know when the studio was constructed but believes it was constructed in the 1980's.
6. The Board found that Ms. Sherwood testified that the variance will not alter the character of the neighborhood.
7. The Board found that Ms. Sherwood testified that the studio is a two (2) story structure and would be difficult to move into compliance as the studio is located on a concrete foundation.
8. The Board found that Ms. Sherwood testified that the studio is surrounded by trees.
9. The Board found that Ms. Sherwood testified that that the previous owner lived on the Property for 25 years.
10. The Board found that Ms. Sherwood submitted pictures in support of the Application.
11. The Board found that Christine Cinton was sworn in and testified in opposition to the Application.
12. The Board found that Ms. Cinton testified that she is the adjacent neighbor who owns property behind the property subject to this Application.
13. The Board found that Ms. Cinton testified that she purchased her property in 2005.
14. The Board found that Ms. Cinton testified that the Applicants have also applied for a Conditional Use on the Property and that she is concerned about the pending Conditional Use application.
15. The Board found that Ms. Cinton testified that she believes that the proposed use will harm her property value.
16. The Board found that Ms. Cinton testified that she was aware of the location of the studio when she purchased her property and that she has no objection to the location of the detached studio, only the pending Conditional Use.

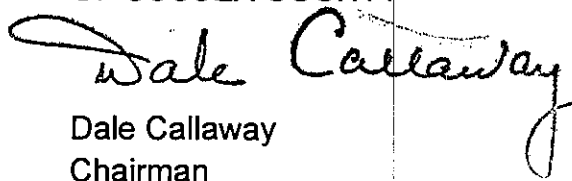
17. The Board found that Ms. Cinton testified that she has no objection to the use of the studio as a private studio.
18. The Board found that Ms. Sherwood testified that she has no intent to change the use of the existing detached studio.
19. The Board found that Ms. Sherwood testified that the pending Conditional Use Application is for the existing dwelling only and that she intends to keep the studio as a personal workshop.
20. The Board found that no parties appeared in support of the Application.
21. The Board found that one (1) party appeared in opposition to the Application.
22. The Board took the case under advisement before discussing the matter later in the meeting.
23. 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 and the situation are unique. 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 since the detached studio has been on the Property since 1983. The variance sought is the minimum variance 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.