

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY
IN RE: WM. W. VANDERWENDE and ELLEN ANN VANDERWENDE
(Case No. 11100)

A hearing was held after due notice on November 19, 2012. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. Mr. Workman recused himself from participating in the hearing of this Application.

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 feet from the 15 foot side yard setback requirement for a proposed roof over an existing walk-in cooler. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property located southeast corner of Road 32 (Scott's Store Road) and Route 404 (Seashore Highway); said property being identified as Sussex County Tax Map Parcel Number 5-30-12.00-51.00. After a hearing, the Board made the following findings of fact:

1. Kevin Carson and Richard Beauchamp were sworn in and testified on behalf of the Application.
2. The Board found that the Applicants submitted a packet of exhibits in support of the Application.
3. The Board found that Mr. Carson testified that the Property is triangular shape which makes it unique.
4. The Board found that Mr. Carson testified that a barbeque stand is operated on the site as a fundraising source for various community organizations.
5. The Board found that Mr. Carson testified that the barbeque stand is the Bridgeville Kiwanis Club's main source of revenue.
6. The Board found that Mr. Carson testified that the money raised goes to help the community directly.
7. The Board found that Mr. Carson testified that the barbeque stand raised over \$36,000.00 last year.
8. The Board found that Mr. Carson testified that the proposed roof is to protect the walk-in cooler from the elements.
9. The Board found that Mr. Carson testified that the barbeque stand has existed on the Property since 1963.
10. The Board found that Mr. Carson testified that the walk-in cooler has been on site for many years as well.
11. The Board found that Mr. Carson testified that the Applicants own the surrounding properties.
12. The Board found that Mr. Carson testified that the variance is necessary to enable reasonable use of the Property.
13. The Board found that Mr. Carson testified that the variance sought is the minimum variance necessary to afford relief.
14. The Board found that Mr. Carson testified that the variance will not alter the essential character of the neighborhood.
15. The Board found that Mr. Beauchamp testified that there are termites in the existing barn.
16. The Board found that no parties appeared in support of or in opposition to the Application.

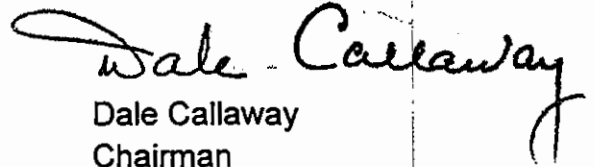
17. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The Property is triangular in shape which makes it unique. The variance will enable reasonable use of the Property. The variance will not alter the essential character of the neighborhood. 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, 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 December 11, 2012