

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: STATE OF DELAWARE - DELDOT (Case No. 11116)

A hearing was held after due notice on December 10, 2012. The Board members present were: 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 Applicant was seeking a variance of 10 feet from the 15 feet side yard setback requirement for a proposed equipment shed. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Road 344 (Dagsboro Road) approximately 3,000 feet west of Road 333 (Thorogoods Road); said property being identified as Sussex County Tax Map Parcel Number 2-33-5.00-179.00. After a hearing, the Board made the following findings of fact:

1. Jeff Reed was sworn in and testified on behalf of the Application.
2. The Board found that Mr. Reed testified that the proposed shed is needed to store trucks and snowplows.
3. The Board found that Mr. Reed testified that the lot is unique because it is long and narrow in size.
4. The Board found that Mr. Reed testified that the size of trucks and plows have increased which require a larger shed be constructed.
5. The Board found that Mr. Reed testified that due to the location of the existing buildings and the need for room to maneuver the large trucks, the variance is necessary to enable reasonable use of the Property.
6. The Board found that Mr. Reed testified that the existing building was constructed in the 1960's and is not large enough to store the larger equipment used now.
7. The Board found that Mr. Reed testified that the difficulty was not created by the Applicant as the Applicant did not create the lot.
8. The Board found that Mr. Reed testified that the variance will not alter the essential character of the neighborhood.
9. The Board found that Mr. Reed testified that the variance sought is the minimum variance to afford relief.
10. The Board found that no parties appeared in support of or in opposition to the Application.
11. 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. The variance is necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. The variance will not alter the essential character of the neighborhood. The variance sought is the minimum variance necessary to afford relief. The variance requested represents the least modification possible of the regulation at issue.

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. 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 January 8, 2013