

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ROBERT L. NIBLETT & CANDY C. NIBLETT (Case No. 11146)

A hearing was held after due notice on January 28, 2013. 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 from the minimum lot width requirement for a parcel.

Findings of Fact

The Board found that the Applicants were seeking a variance of 50 feet from the 150 feet lot width requirement for Parcel A and a variance of 14.94 feet from the 150 feet lot width requirement for Parcel B. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property located southeast of Road 485 (Bethel Concord Road) approximately 1,800 feet south of Road 302A (Avalon Road); said property being identified as Sussex County Tax Map Parcel Number 2-34-15.00-27.01. After a hearing, the Board made the following findings of fact:

1. Robert Niblett was sworn in and testified on behalf of the Application.
2. The Board found that Mr. Niblett testified that he wants to subdivide the 2.5 acre parcel into two (2) lots known as Parcel A and Parcel B.
3. The Board found that Mr. Niblett testified that an elderly couple lives in the existing manufactured home located on the Property.
4. The Board found that Mr. Niblett testified that he wants to build a dwelling on the proposed parcel.
5. The Board found that Mr. Niblett testified that a neighboring parcel is surrounded on three sides by the Property and thus creates a uniqueness to the Property by creating to separate road frontages for the Property.
6. The Board found that Mr. Niblett testified that the proposed variances will not alter the existing road frontage of the existing parcel.
7. The Board found that Mr. Niblett testified that the proposed lot width is not out of character with the neighborhood.
8. The Board found that Mr. Niblett testified that the variances will enable reasonable use of the Property.
9. The Board found that Mr. Niblett testified that the request represents the least modification possible.
10. The Board found that Mr. Niblett testified that the difficulty was not created by the Applicants.
11. The Board found that Mr. Niblett testified that the sheds will be moved into compliance with the Sussex County Zoning Ordinance.
12. The Board found that no parties appeared in support of or in opposition to the Application.
13. The Board found that the Office of Planning & Zoning received one (1) letter in support of the Application.
14. 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 the way in which the parcel was originally subdivided. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicants because the Applicants did not create the subdivision. The variances

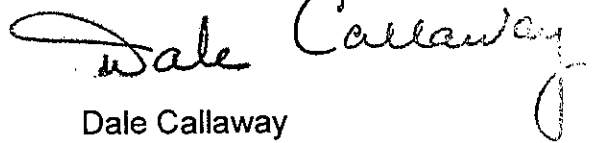
will not alter the essential character of the neighborhood. The variances sought are the minimum variances necessary to afford relief.

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 February 19, 2013.