

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MARCO A. MORALES & NORMAN W. BENNETT (Case No. 11151)

A hearing was held after due notice on February 4, 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 front yard setback requirement.

Findings of Fact

The Board found that the Applicants were seeking a variance of 3.4 feet from the 30 feet front yard setback requirement for an existing dwelling and porch. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located northwest of Route 24 (John J. Williams Highway) east of Bryn Mawr Drive, being Lot 130, Section 1, within Maplewood development; said property being identified as Sussex County Tax Map Parcel Number 3-34-12.00-323.00. After a hearing, the Board made the following findings of fact:

1. Charles Seaman was sworn in to testify on behalf of the Application.
2. The Board found that Jane Patchell, Esquire, appeared on behalf of the Applicant.
3. The Board found that Ms. Patchell stated that the dwelling was constructed in 1992 and that a Certificate of Compliance was issued in 1992.
4. The Board found that Ms. Patchell stated that the Applicants purchased the Property in December 2000.
5. The Board found that Ms. Patchell stated that the Applicants are selling the Property and that a survey completed for settlement showed the encroachment.
6. The Board found that Ms. Patchell stated that the Property is unique since the dwelling and porch have been on the lot since 1992.
7. The Board found that Ms. Patchell stated that the variance will enable reasonable use of the Property.
8. The Board found that Ms. Patchell stated that the difficulty was not created by the Applicants.
9. The Board found that Ms. Patchell stated that the variance will not alter the essential character of the neighborhood as the neighboring properties have been developed.
10. The Board found that Ms. Patchell stated that the variance does not impair the uses of adjacent properties since they are developed.
11. The Board found that Ms. Patchell stated that the variance is the minimum to afford relief.
12. The Board found that Ms. Patchell stated that Mr. Seaman stated that there have been no changes to the structure since 2000 when he first listed the Property.
13. The Board found that Ms. Patchell stated that, to clear the record, an error on the survey shows Lot 106 to the North of the Property and it should be Lot 106A.
14. The Board found that Mr. Seaman, under oath, confirmed the statements by Ms. Patchell.
15. The Board found that Mr. Seaman testified that he is a real estate salesperson.
16. The Board found that Mr. Seaman testified that he was involved with the sale of the Property recently.
17. The Board found that Mr. Seaman testified that he was also involved in the sale of the Property in 2000.
18. The Board found that Mr. Seaman testified that he saw no change in the structure from 2000 to 2013

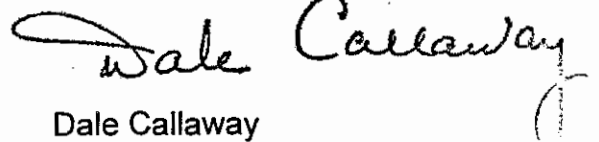
19. The Board found that no parties appeared in support of or in opposition to the Application.
20. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The Property is unique. The variance is necessary to enable reasonable use of the Property. The difficulty was not created by the Applicants. 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, 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 March 19, 2013