

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: GRAHAM LIVING**

**(Case No. 11227)**

A hearing was held after due notice on July 1, 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 Applicant was seeking a variance of 2.9 feet from the forty (40) feet front yard setback requirement for an existing dwelling. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located at the intersection, south of Chestnut Drive and west of U.S. Route 113, being Lot 32 within Evergreen Acres development; said property being identified as Sussex County Tax Map Parcel Number (2-33-5.00-282.00). After a hearing, the Board made the following findings of fact:

1. Graham Living was sworn in to testify about the Application.
2. The Board found that Mr. Living testified that the dwelling was built over twenty (20) years ago and that he purchased the Property in 2012.
3. The Board found that Mr. Living testified that a Certificate of Compliance has been issued for the dwelling.
4. The Board found that Mr. Living testified that the Property is unique in shape and that the difficulty was not created by the Applicant.
5. The Board found that Mr. Living testified that the location of the dwelling was in its current location when he purchased the Property.
6. The Board found that Mr. Living testified that the variance will not alter the character of the neighborhood.
7. The Board found that Mr. Living testified that the variance is the minimum variance necessary to afford relief and that the variance is necessary to enable reasonable use of the Property.
8. The Board found that Mr. Living testified that a portion of the dwelling would have to be removed in order to comply with the setback requirement.
9. The Board found that one (1) party appeared in support of the Application.
10. The Board found that no parties appeared 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 for the following reasons. The Property is unique in shape. The variance is necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant as the dwelling was in its current location when the Applicant purchased 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 variance will not be detrimental to the public welfare.

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 August 7, 2013.