

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

**IN RE: GREGORY STEVENS & RITA STEVENS**

**(Case No. 11292)**

A hearing was held after due notice on November 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 variances from the front yard and rear yard setback requirements.

**Findings of Fact**

The Board found that the Applicants were seeking a variance of ten (10) feet from the thirty (30) feet from the front yard setback requirement and a variance of ten (10) feet from the twenty (20) feet rear yard setback requirement for a proposed dwelling. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property located south of Road 284 (Mulberry Road) and being south of East Lane which is 1,800 feet south of State Maintenance of Mulberry Knoll Road and Bay Shore Drive and also being Lots 6 and 7 Bay Shore Hills; said property being identified as Sussex County Tax Map Parcel Number 3-34-18.00-49.01. After a hearing, the Board made the following findings of fact:

1. Gregory Stevens was sworn in to testify about the Application.
2. The Board found that Mr. Stevens testified that the Property he purchased in 2003 was originally four (4) separate lots.
3. The Board found that Mr. Stevens testified that he combined the properties to create two (2) buildable lots.
4. The Board found that Mr. Stevens testified that the Board granted variances for the two (2) lots in 2007.
5. The Board found that Mr. Stevens testified that he consolidated the lots due to the small lot sizes and the septic impact on the lots.
6. The Board found that Mr. Stevens testified that he was only able to construct one (1) dwelling at that time.
7. The Board found that Mr. Stevens testified that he is now ready to construct the second dwelling on Lots 6 & 7.
8. The Board found that Mr. Stevens testified that the Property is wide but is very shallow and fronts on Love Creek.
9. The Board found that Mr. Stevens testified that, since 1989 when the original dwelling was placed, the shoreline has eroded eighteen (18) feet.
10. The Board found that Mr. Stevens testified that the Property has eroded nine (9) feet since 2003.
11. The Board found that Mr. Stevens testified that he has constructed rip rap to stabilize the erosion and to maintain seventy five (75) feet from the wetlands.
12. The Board found that Mr. Stevens testified that he has permits in place with the Army Corps of Engineers.
13. The Board found that Mr. Stevens testified that the area is a very environmental sensitive area and creates a unique situation.
14. The Board found that Mr. Stevens testified that he submitted a letter with his application addressing all the standards.
15. The Board found that no parties appeared in support of or in opposition to the Application.

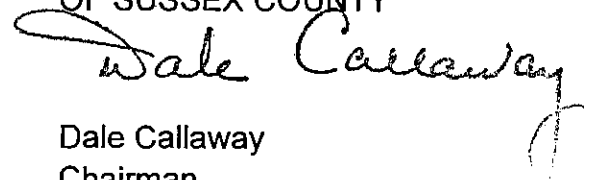
16. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance based on the following reasons. The erosion to the shoreline makes the Property unique. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicants. The variances will not alter the essential character of the neighborhood. The variances sought are the minimum variances necessary to afford relief. The variances requested represent the least modifications of the regulations 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. 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 December 10, 2013