

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: AMANDA RANDALL

(Case No. 11305)

A hearing was held after due notice on December 16, 2013. The Board members present were: Mr. Dale Callaway, Mr. Jeffrey 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 setback requirement.

Findings of Fact

The Board found that the Applicant was requesting a variance of 38.25 feet from the sixty (60) feet front yard setback requirement and a variance of 32.5 feet from the sixty (60) feet front yard setback requirement for an existing open air structure on a through lot. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located north of Route 1 (Coastal Highway) southeasterly corner of Road 273C (Oyster Road) and across from Road 273A (Bald Eagle Road); said property being identified as Sussex County Tax Map Parcel Number 3-34-19.08-31.00. After a hearing, the Board made the following findings of fact:

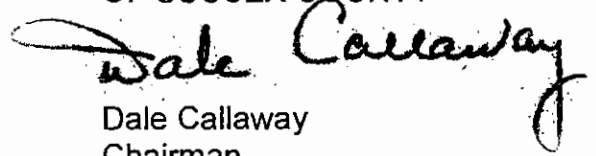
1. The Board found that the Office of Planning & Zoning received no correspondence regarding the Application.
2. Amanda Randall was sworn in to testify on behalf of the Applicant.
3. The Board found that Ms. Randall testified that she moved her ice cream business to the Property.
4. The Board found that Ms. Randall testified that the Property is weirdly shaped as it is pie-shaped and surrounded by roads on three (3) sides.
5. The Board found that Ms. Randall testified that the lot is 110 feet wide at the widest point.
6. The Board found that Ms. Randall testified that the open air structure provides shelter for outdoor seating and that she has no plans of enclosing the open air structure.
7. The Board found that Ms. Randall testified that the setback requirements make the lot impossible to develop in strict conformity with the Sussex County Zoning Code.
8. The Board found that Ms. Randall testified that she also built a small trash enclosure on the Property.
9. The Board found that Ms. Randall testified that the existing building is non-conforming.
10. The Board found that Ms. Randall testified that there is only seating for four (4) people available inside the building.
11. The Board found that Ms. Randall submitted pictures for the Board to review.
12. The Board found that no parties appeared in support of or in opposition to the Application.
13. Based on 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 setback requirements and shape of the lot make the Property unique. The Property cannot be built in strict conformity with the Sussex County Zoning Code. The difficulty was not created by the Applicant. The variances will not alter the essential character of the neighborhood. The variances sought are the minimum variances necessary to afford relief. The approval was granted with the stipulation that the existing structure cannot be enclosed.

The Board approved the variance application with the stipulation that the existing structure cannot be enclosed finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the Application was approved with a stipulation. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeffrey 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 18, 2014