

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: BRET SHUE & MELINDA SHUE

(Case No. 11333)

A hearing was held after due notice on February 3, 2014. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Brent Workman and Mr. Norman Rickard.

Nature of the Proceedings

This is an application for variances from the front yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicants were seeking a variance of five (5) feet from the thirty (30) feet front yard setback requirement and a variance of 3.5 feet from the ten (10) feet side 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 Route 54 (Lighthouse Road) and being south of Pine Road, 900 feet west of Holly Road and being Lot 13 Keen-wik Subdivision; said property being identified as Sussex County Tax Map Parcel Number 5-33-19.12-68.00. After a hearing, the Board made the following findings of fact:

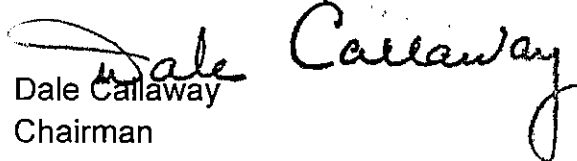
1. Bret Shue was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Shue testified that the Property is located in the Keen-wik subdivision and he intends to build a dwelling on the Property.
3. The Board found that Mr. Shue testified that a portion of the Property is located in a creek to the rear of the Property.
4. The Board found that Mr. Shue testified that the variance request will allow him to have a backyard.
5. The Board found that Mr. Shue testified that the previous dwelling had to be demolished as it was in poor condition.
6. The Board found that Mr. Shue testified that the proposed dwelling is a single-story ranch home less than 3,000 square-feet in size with a two (2) car garage.
7. The Board found that Adelyn Aker and Verlyn Aker were sworn in and testified in opposition to the Application.
8. The Board found that no parties appeared in support of the Application.
9. The Board found that two (2) parties appeared in opposition to the Application.
10. The Board found that the Office of Planning and Zoning received six (6) letters of opposition to the Application.
11. The Board tabled its decision until February 17, 2014.
12. The Board considered the comments regarding the opposition to the Application.
13. Based on the findings above and the testimony and evidence 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 its narrow width and because a portion of the lot is in the adjacent creek; which significantly limit the buildable area of the lot. The variances are necessary to enable reasonable use of the Property. The proposed dwelling is reasonable in size and is needed to replace the previous dwelling which had to be torn down due to its condition. 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 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 25, 2014.