

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ROBERT BROWNELL AND BONNIE BROWNELL

(Case No. 11359)

A hearing was held after due notice on April 14, 2014. 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 for a through lot.

Findings of Fact

The Board found that the Applicants were seeking a variance of 20.8 feet from the forty (40) feet front yard setback requirement for a through lot for a proposed dwelling. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located east of Route 1 and being west of Killewake Road 330 feet west of Sandpiper Road and being Lot T4 within Ocean Village Subdivision; said property being identified as Sussex County Tax Map Parcel Number 1-34-13.00-1307.00. After a hearing, the Board made the following findings of fact:

1. Greg Hastings was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Hastings testified that he was retained by the Applicants to design a dwelling.
3. The Board found that Mr. Hastings testified that the Property is located in Ocean Village and backs up to Route 1.
4. The Board found that Mr. Hastings testified that the Property has two (2) front yard setback requirements which create a hardship.
5. The Board found that Mr. Hastings testified that the lot is unusual in shape.
6. The Board found that Mr. Hastings testified that the proposed dwelling is a standard style house that will measure forty (40) feet by fifty-six (56) feet.
7. The Board found that Mr. Hastings testified that the Homeowners Association has no objection to the Application.
8. The Board found that Mr. Hastings testified that there have been similar variances granted in the development.
9. The Board found that Mr. Hastings testified that the existing dwelling will be demolished.
10. The Board found that Mr. Hastings testified that the Property currently has three (3) variances for an existing dwelling that encroaches into the setback areas and that the existing dwelling encroaches into the setback areas more than the proposed dwelling will encroach.
11. The Board found that Mr. Hastings testified that the Property is accessed from Killewake Drive.
12. The Board found that no parties appeared in support of or in opposition to the Application.
13. 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 in shape and the through lot setback requirements create a unique situation. 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 requested variance represents the least modification of the regulation 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 May 20, 2014