

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: RUSSELL SHANER & CYNTHIA SHANER

(Case No. 11386)

A hearing was held after due notice on May 5, 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 variance from the front yard setback requirement.

Findings of Fact

The Board found that the Applicants were seeking a variance of 0.6 feet from the thirty (30) feet front yard setback requirement. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located 800 feet south of Route 54 (Lighthouse Road) and being south of Beach Tree Court 160 feet west of Keenwik Road and being more specifically Lot 17 Keen-wik Resubdivision No. 9; said property being identified as Sussex County Tax Map Parcel Number 5-33-20.09-2.00. 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. Russell Shaner and Cynthia Shaner were sworn in to testify on behalf of the Application.
3. The Board found that Mr. Shaner testified that his parents purchased the Property in 1994 and a Nanticoke modular dwelling was placed on the Property in 1995.
4. The Board found that Mr. Shaner testified that he recently purchased the Property from his mother and that the survey completed for settlement showed the encroachment into the front yard setback area.
5. The Board found that Mr. Shaner testified that his parents were unaware of the encroachment into the front yard setback area and that a Certificate of Compliance had been issued for the dwelling.
6. The Board found that Mr. Shaner testified that the home was placed less than a foot into the setback area.
7. The Board found that Mr. Shaner testified that the road is well beyond the front property line and that the existing driveway extends approximately eight (8) feet off of the Property towards the roadway.
8. The Board found that Mr. Shaner testified that the Property is located within the Keen-wik subdivision.
9. The Board found that Mr. Shaner testified that his neighbors do not object to the variance request and have never complained about the Property.
10. The Board found that Mr. Shaner testified that the variance does not alter the character of the neighborhood.
11. The Board found that Mr. Shaner testified that the difficulty was not created by the Applicants.
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 as evidenced by the survey. The variance is necessary to enable reasonable use of the Property. The difficulty has not been created by the Applicants. The home

was placed on the Property prior to the Applicant's purchase of the Property and a Certificate of Compliance was issued at that time. The variance will not alter the essential character of the neighborhood. The home has been on the Property for many years and there is no evidence of a complaint from neighbors. The home is also less than a foot into the front yard setback area. The variance sought is the minimum variance 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 June 3, 2014.