

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: BRIAN D. TRUMBULL & BETTY JANE TRUMBULL

(Case No. 11405)

A hearing was held after due notice on June 16, 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 variances from the side yard setback requirement.

Findings of Fact

The Board found that the Applicants were seeking a variance of 7.8 feet from the ten (10) feet side yard setback requirement and a variance of 5.6 feet from the ten (10) feet side yard setback requirement for existing landings with steps. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property located north of Route 54 (Lighthouse Road) and being east of Blue Teal Road approximately 822 feet north of Swann Drive and being Lot 21 in Swann Keys Subdivision (911 Address: 37022 Blue Teal Road, Selbyville, Delaware); said property being identified as Sussex County Tax Map Parcel Number 5-33-12.16-495.00. 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. Brian Trumbull was sworn in to testify on behalf of the Application and Raymond Tomasetti, Esquire, appeared on behalf of the Applicant.
3. The Board found that Mr. Tomasetti submitted exhibits to the Board.
4. The Board found that Mr. Tomasetti stated that the previous owner was granted a variance by this Board in 2003 for the existing dwelling but the survey provided at that previous hearing did not show the landings and steps which grant access to the dwelling.
5. The Board found that Mr. Tomasetti stated that the encroachments were discovered by a survey recently completed for settlement.
6. The Board found that Mr. Tomasetti stated that the landing and steps have existed on the lot for ten (10) years.
7. The Board found that Mr. Tomasetti stated that the lot measures only forty (40) feet wide which makes it unique in size.
8. The Board found that Mr. Tomasetti stated that the difficulty was not created by the Applicants.
9. The Board found that Mr. Tomasetti stated that the variances will not alter the character of the neighborhood.
10. The Board found that Mr. Tomasetti stated that the variances represent the minimum variances necessary to allow access to the dwelling.
11. The Board found that Mr. Tomasetti stated that that the variances will enable reasonable use of the Property.
12. The Board found that Mr. Trumbull confirmed the statements made by Mr. Tomasetti as being true and correct.
13. The Board found that no parties appeared in support of or in opposition to the Application.
14. 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 to its size. The lot is only forty (40) feet wide which limits the buildable area. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicants. The dwelling with the steps and landing were placed on the Property by a prior owner. The variances will not alter the essential character of the neighborhood. The variances sought are the minimum

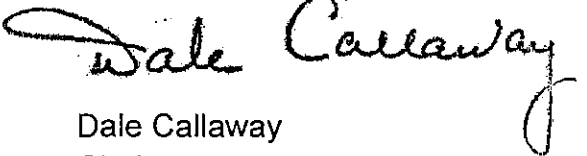
variances necessary to afford relief. The variances represent the least modifications of the regulation at issue.

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 August 5, 2014.