

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: BEERAM SINGH

(Case No. 11411)

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 a variance from the front yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 1.9 feet from the fifty (50) feet side yard setback requirement for an existing poultry house. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located northwest of Road 436 (Curley Drive) across from Road 439 (English Road) (911 Address: 32492 Curley Drive, Millsboro, Delaware); said property being identified as Sussex County Tax Map Parcel Number 2-32-21.00-6.25. 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. Donald Miller was sworn in to testify on behalf of the Application.
3. The Board found that Mr. Miller testified that Beeram Singh and Dhanpaul Raghunandan are brothers-in-law and have been business partners.
4. The Board found that Mr. Miller testified that Mr. Singh and Mr. Raghunandan operated four (4) poultry houses and they now wish to separate their business.
5. The Board found that Mr. Miller testified that Mr. Singh is selling his interest in two (2) poultry houses and the Property to Mr. Raghunandan.
6. The Board found that Mr. Miller testified that the Property will be combined with adjacent lands owned by Mr. Raghunandan.
7. The Board found that Mr. Miller testified that the survey completed to combine the parcels showed that the western most poultry house was too close to the side property line.
8. The Board found that Mr. Miller testified that the poultry houses appear to have been laid out improperly.
9. The Board found that Mr. Miller testified that the existing poultry houses are over ten (10) years old.
10. The Board found that Mr. Miller testified that the variance is necessary to enable reasonable use of the Property.
11. The Board found that Mr. Miller testified that the difficulty was not created by the Applicant.
12. The Board found that Mr. Miller testified that the neighboring property is tilled farmland.
13. The Board found that Mr. Miller testified that there is no dwelling on the Property.
14. The Board found that Mr. Miller testified that the poultry house does not alter the character of the neighborhood.
15. The Board found that Mr. Miller testified that the variance requested is the minimum variance to afford relief.
16. The Board found that Peggy Parkinson was sworn in and testified that she lives nearby and has no objection to the Application.
17. The Board found that no parties appeared in support of the Application.
18. 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 situation is unique due to the improper placement of the poultry houses years ago. The Property is also unique because it is being combined with other lands owned by the purchaser.

The variance is necessary to enable reasonable use of the Property as it will allow the existing poultry house to remain in its current location. The Property cannot otherwise be developed in strict conformity with the Sussex County Zoning Code. The difficulty was not created by the Applicant. The builder or surveyor laid out the location of the poultry houses. The variance will not alter the essential character of the neighborhood. The poultry houses have been in their current location for approximately ten (10) years and nearby lands are also used for agricultural purposes. The variance sought is the minimum variance necessary to afford relief. The variance requested will not be detrimental to the public welfare.

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