

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JOHN M. WILKINS and PEARL I. WILKINS

(Case No. 11464)

A hearing was held after due notice on October 6, 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 minimum square footage for a parcel.

Findings of Fact

The Board found that the Applicants were seeking a variance of 8,912-square-feet from the 32,670-square-foot lot size requirement for Lot 1 and a variance of 8,863-square-feet from the required 32,670-square-foot lot size requirement for Lot 2. This application pertains to certain real property located south of Johnson Avenue (Road 207) west of intersection of Third Street (Road 225) and Washington Street (Road 225C) in Lincoln; said property being identified as Sussex County Tax Map Parcel Number 2-30-6.17-39.01). After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received one letter in support of the Application and no correspondence in opposition to the Application.
2. John Wilkins was sworn in to testify about the Application.
3. The Board found that Mr. Wilkins testified that his family has owned the property since 1964.
4. The Board found that Mr. Wilkins testified that he lives on the adjacent Parcel 38 and his son lives on adjacent Parcel 39.
5. The Board found that Mr. Wilkins testified that he wants to subdivide Parcel 39.01 into two (2) lots and give it to his children.
6. The Board found that Mr. Wilkins testified that the Property is located in Lincoln.
7. The Board found that Mr. Wilkins testified that the streets are very wide with large rights-of-way.
8. The Board found that Mr. Wilkins testified that the lots would almost meet the minimum lot requirement if there was no right-of-way in place.
9. The Board found that Mr. Wilkins testified that a similar subdivision in the neighborhood was previously approved.
10. The Board found that Mr. Wilkins testified that the proposed lots are in character with the neighborhood.
11. The Board found that Mr. Wilkins testified that proposed lots are larger than the adjacent lots.
12. The Board found that Mr. Wilkins testified that the existing lots do not have dwellings on them.
13. The Board found that Mr. Wilkins testified that he is splitting the existing lot (Parcel 39.01) in half.
14. The Board found that four (4) parties appeared in support of the Application.
15. The Board found that no parties appeared in opposition to the Application.
16. 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. The Property is located in Lincoln and the survey notes that the Applicants lose .40 acres of land due to the larger right-of-way widths required in Lincoln than would normally be

required by the State Highway right-of-way widths. The variances are necessary to enable reasonable use of the Property. The variances will allow the Applicants to subdivide the Property into two (2) reasonably sized lots that are consistent with other lots in the neighborhood. The proposed lots are actually larger than adjacent properties. The hardship and exceptional practical difficulty were 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 variances represent the least modifications of the regulations at issue.

The Board granted the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve the variance application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY

Dale Callaway

Dale Callaway
Chairman

If the use is not established within one (1)
year from the date below the application
becomes void.

Date December 2, 2014.