

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: GLORIA BURTON

(Case No. 11485)

A hearing was held after due notice on November 3, 2014. The Board members present were: 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 rear yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 18.1 feet from the twenty (20) feet rear yard setback requirement and a variance of 18.6 feet from the twenty (20) feet rear yard setback requirement for an existing dwelling. This application pertains to certain real property located on a private road east of Wolfe Street, 920 feet south of Tenth Street in the Town of Laurel (911 Address: 32011 Wolfe Street, Laurel, DE)); said property being identified as Sussex County Tax Map Parcel Number 4-32-8.10-89.00. 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. Gloria Burton was sworn in to testify about the Application.
3. The Board found that Ms. Burton testified that she purchased the Property in 2012 from Mountaire Farms.
4. The Board found that Ms. Burton testified that the dwelling was built in 1974 and that there have not been any additions to the dwelling.
5. The Board found that Ms. Burton testified that the dwelling was once converted to an office.
6. The Board found that Ms. Burton testified that she renovated the structure's interior and it is a dwelling now.
7. The Board found that Ms. Burton testified that she is attempting to sell the Property but cannot do so without a variance.
8. The Board found that Ms. Burton testified that the history of the Property makes it unique.
9. The Board found that Ms. Burton testified that the difficulty was not created by the Applicant.
10. The Board found that Ms. Burton testified that the variances will not alter the essential character of the neighborhood.
11. The Board found that Ms. Burton testified that the Property is located outside the Town of Laurel in a rural area.
12. The Board found that Ms. Burton testified that the use is not detrimental to the public welfare.
13. The Board found that Ms. Burton testified that the variances requested are the least modifications of the regulation at issue.
14. The Board found that Ms. Burton testified that the Property has been sold two (2) other times without a variance.
15. The Board found that Ms. Burton testified that the Property was previously owned by Central Grain and then sold to Mountaire Farms.
16. The Board found that Ms. Burton testified that the adjacent property is wetlands and cannot be developed.
17. The Board found that Ms. Burton testified that the grain storage bins have been removed from the Property.

18. The Board found that no parties appeared in support of or in opposition to the Application.
19. 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 odd shape. The variance is necessary to enable reasonable use of the Property. The dwelling has been on the Property since 1974 without complaint and the variance will allow the dwelling to remain on the Property. The exceptional practical difficulty and hardship were not created by the Applicant. The dwelling was placed on the Property by a prior owner many years ago. The variance will not alter the essential character of the neighborhood. The dwelling has been in its current location since 1974 and no additions to the structure are being proposed. The variance sought is the minimum variance necessary to afford relief.

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. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve the variance application. Mr. Dale Callaway did not participate in the discussion or vote of this 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 January 6, 2015.