

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: GNJ PROPERTIES, LLC

(Case No. 12251)

A hearing was held after due notice on January 7, 2019. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, Mr. John Mills, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances from the front yard, rear yard, and side yard setback requirements for existing structures.

Findings of Fact

The Board found that the Applicant initially sought a variance of 5.1 feet from the fifteen (15) feet side yard setback requirement on the west side for an existing building, a variance of 5.9 feet from the fifteen (15) feet side yard setback requirement on the west side for an existing building, a variance of 9.6 feet from the fifteen (15) feet side yard setback requirement on the west side for an existing building, a variance of 9.9 feet from the fifteen (15) feet side yard setback requirement on the west side for an existing building, a variance of 10.5 feet from the forty (40) feet front yard setback requirement for an existing dwelling, a variance of 14.9 feet from the forty (40) feet front yard setback requirement for an existing dwelling, and a variance of 12.3 feet from the twenty (20) feet rear yard setback requirement for an existing building. This application pertains to certain property that is a through lot located on the south side of Delmar Road and the north side of Waller Road approximately 617 feet east of West Line Road (911 Address: 8759 Waller Road, Delmar) said property being identified as Sussex County Tax Map Parcel Number 5-32-20.00-31.00.

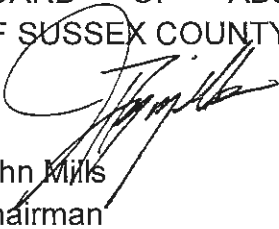
1. The Board was given copies of the Application, an aerial photograph of the Property, a subdivision plan for the Property dated July 2, 2018, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application. Prior to the hearing, the Board received a letter from the Applicant requesting that the Application be withdrawn. The letter, however, was not submitted in accordance with Sussex County Code §115-208(F). The Board found that the Applicant failed to demonstrate good cause and the motion was denied.
3. At the hearing, no party appeared on behalf of the Applicant.
4. The Board found that no parties appeared in support of the Application and eight (8) parties appeared in opposition to the Application.
5. The Board denied the Application due to a lack of representation. There was no substantial evidence in the record to demonstrate that the Applicant met any of the five standards for granting a variance and the Applicant's failure to appear at the hearing restricted the Board's ability to further vet the Application. Without such evidence, the Board is unable to grant the variance requests and the Application must be denied.

The Board denied the variance application finding that it failed to meet the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application was denied. The Board Members in favor of the motion to deny were Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, Mr. John Mills, and Mr. Brent Workman. No Board Member voted against the Motion to deny the variance application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



John Mills
Chairman

If the use is not established within two (2) years from the date below the application becomes void.

Date March 5, 2019.