

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MARK LEWIS & YVETTE LEWIS

(Case No. 12270)

A hearing was held after due notice on March 18, 2019. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. John Mills, Mr. John Williamson, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a variance from the front yard setback requirement for a proposed dwelling.

Findings of Fact

The Board found that the Applicants are seeking a variance of 7 feet from the thirty (30) feet front yard setback requirement for a proposed dwelling. This application pertains to certain real property located on the west side of Oyster Shell Cove, approximately 224 feet south of Bethany Loop Lane in the Salt Pond subdivision (911 Address: 205 Oyster Shell Cove, Bethany Beach); said property being identified as Sussex County Tax Map Parcel Number 1-34-13.00-1751.00.

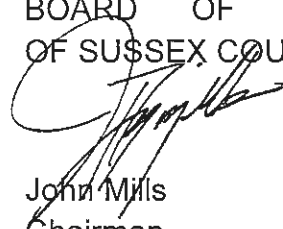
1. The Board was given copies of the Application, an aerial photograph of the Property, a survey of the Property dated January 23, 2019, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of the Application and two letters in opposition to the Application.
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 ten (10) 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 request 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. John Mills, Mr. John Williamson, 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 April 16, 2019