

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JOHN HUTSON

Case No. 19759 – 2011

A hearing was held after due notice on February 28, 2011. The Board members present were: Mr. Dale Callaway, Mr. Ronald McCabe, Mr. John Mills, Mr. Brent Workman and Mr. Jeff Hudson.

Nature of the Proceedings

This is an application for a variance from the front yard setback requirement, for a through lot.

Finding of Facts

The Board found that the Applicant was seeking a variance from front yard setback requirements for a through lot east of Road 285 (Beaver Dam Road), at the corner of Beaver Dam Road and Oak Crest Drive, Lot 112, Oak Crest Farms. The Applicant was requesting a 27' variance from the required 40' front yard setback for an existing shed. After a hearing, the Board made the following findings of fact:

1. The Applicant requested a building permit for an 8'x10' shed, but the zoning office listed incorrect setback requirements on the permit, apparently not recognizing the lot as a "through lot" with two front yard setbacks. The Applicant subsequently set the shed consistent with the permit.
2. An existing sunroom, underground wires, access panels to the dwelling, and HVAC units eliminate other possible locations for the shed.
3. The dwelling was originally a model home for the subdivision and has no garage. Hence, the shed is necessary for storage not otherwise present. In addition, there are numerous other sheds in the development.
4. The Board determined that the application generally met the standards for granting a variance.
5. No persons appeared in opposition.

The Board granted the requested variance.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board members voting in favor were: Mr. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman and Mr. Hudson; voting against – none.

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 March 29, 2011.