

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: SARA COSTELLO**

**Case No. 10762 – 2011**

A hearing was held after due notice on March 7, 2011. The Board members present were: Mr. Dale Callaway, Mr. Ronald McCabe, Mr. John Mills, and Mr. Jeff Hudson.

Nature of the Proceedings

This is an application for a variance from the side yard setback requirement.

Finding of Facts

The Board found that the Applicant was seeking a variance from side yard setback requirements southwest of Route 54, northeast of Roosevelt Island, Lot 17, Cape Windsor. The Applicant was requesting a 5' variance from the required 10' side yard setback for a proposed dwelling. After a hearing, the Board made the following findings of fact:

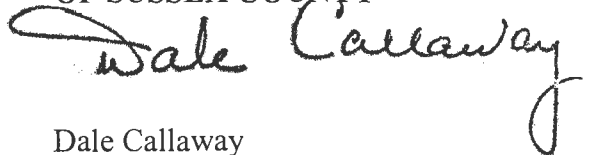
1. Lots are very small in the development which was originally intended for mobile homes.
2. The existing home encroaches 5' from the side yard setback, and a new dwelling proposed by the Applicant will be located the same distance from the line. The Applicant indicated a desire for a 5' rear yard variance, but the application did not include such a request, and as a result the Applicant will have to meet the required rear yard setback requirement.
3. Cathy Cikota testified in opposition. She testified that she has been a long time resident of the community, and that the proposed dwelling will greatly impact the community. She also spoke on behalf of her father, whose property is nearby, and she believed that property would also be affected as well.
4. The Applicant pointed out that most dwellings in the subdivision have 5' side yard setbacks, as a result of earlier setbacks imposed by the County, or by variances granted by the Board as replacement dwellings have typically been larger than the original mobile homes for which the subdivision was created. She also pointed out that the proposed home will actually be set further back on the lot than the existing dwelling, and that the height of the proposed dwelling is within the County's limit.
5. The Board determined that the lot was, like many others in the subdivision, unique in terms of its size as measured against the ability to allow for a modern replacement structure. That difficulty was not created by the Applicant, and given the wide range in dwelling sizes in Cape Windsor, will not alter the essential character of the neighborhood.

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, 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 April 15, 2011