

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DAVE COSTELLO

Case No. 10763 – 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, northwest of Grant Avenue, Lot 31, 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:

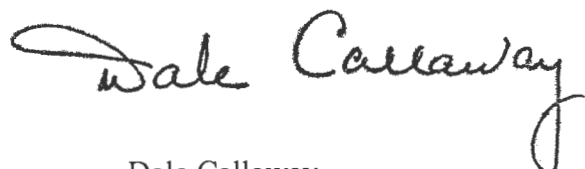
1. The Applicant's lot measures only 40'x120', and an existing structure to be replaced already encroaches 5' on the side yard. As a result, the replacement dwelling proposed by the Applicant would not encroach any further than the existing structure.
2. Lots are very small in the development which was originally intended for mobile homes.
3. Cathy Cikota testified in opposition, believing that the proposed dwelling will block light to other properties, and would adversely affect views and property values. The Board is aware, though, that protection of views is not permitted by Delaware law, and there was no evidence that the structure would adversely affect property values.
4. 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.
5. The Board determined that the lot was, like many others in the subdivision, unique in terms of its 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.