

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: BLUE HORIZONS, LP

Case No. 10765 – 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 and side yard setback requirement.

Finding of Facts

The Board found that the Applicant was requesting a variance from front yard and side yard setback requirements at the southwest corner of Ocean Highway and Delaware Avenue. The Applicant was requesting a 16.40' variance from the required 60' front yard setback, an 11.40' variance from the required 15' side yard setback, and a 5' variance from the required 10' side yard setback for a proposed second floor addition and roof. After a hearing, the Board made the following findings of fact:

1. A portion of the existing structure had a flat roof that collapsed several months ago. Because repairs were necessary, the Applicant has decided to add a second floor to the existing building, which will provide additional space for storage and an apartment.
2. The proposed addition will not encroach any further than the existing building, and the variance is necessary simply because the Applicant is extending the dwelling vertically.
3. The existing footprint existed prior to setback changes in the Zoning Ordinance.
4. The Board determined that the application generally met the standards for granting a variance.
5. The Applicant is experiencing a practical difficulty as a result of a natural occurrence, and cannot reestablish the structure because it was nonconforming.
6. No persons appeared in opposition.

The Board granted the requested variances.

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