

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: 19366 COASTAL HWY, LLC

Case No. 10768 – 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 rear yard setback requirements.

Finding of Facts

The Board found that the Applicant was seeking a variance from front yard and rear yard setback requirements south of Briarhook Road, west of Hensley Road. The Applicant was requesting a 36' variance from the required 60' front yard setback, and a 4' variance from the required 5' rear yard setback for proposed solar panels. After a hearing, the Board made the following findings of fact:

1. An existing building and communications tower leave a limited amount of space for the Applicant to place proposed solar panels.
2. The property is triangle-shaped, and a large portion of it is already unusable for the purpose of solar panels because of shade from the communications tower.
3. The Board determined that the property was unique in terms of its shape, that it cannot reasonably be developed without a variance, that the request represents the minimum necessary to afford relief, and that the variance would not alter the essential character of the neighborhood.
4. 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