

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

**IN RE:            RODGER AND JENNIFER MCMAHAN            Case No. 10773 – 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 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 north of the intersection of Route 16, and southeast of Road 227. The Applicant was requesting a 10' variance from the required 40' front yard setback. After a hearing, the Board made the following findings of fact:

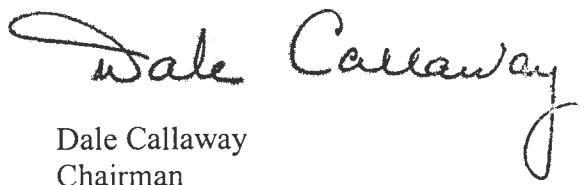
1. The Applicant wishes to construct a pole building on a through lot, which by definition has two front setbacks and limits building area.
2. The proposed location will allow better access as a result of the current location of the driveway.
3. There are underground propane tanks located approximately 12' from the house and that the Applicant has to avoid.
4. The Applicant's lot is irregularly shaped, and another open section of the lot has flooding problems.
5. The Board found that the application generally met the standards for granting a variance.
6. 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, 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.