

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CLEAN ENERGY USA, LLC

Case No. 10777 – 2011

A hearing was held after due notice on March 21, 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 setback requirement.

Finding of Facts

The Board found that the Applicant was seeking a variance from front yard setback requirements east of Route 30, 360' north of Road 297. The Applicant was requesting a 25.6' variance from the required 40' front yard setback for frame mounted solar panels. After a hearing, the Board made the following findings of fact:

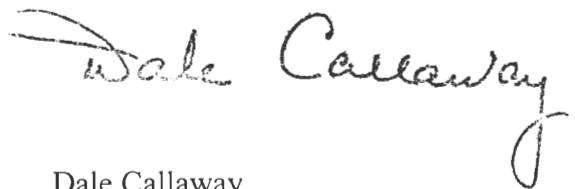
1. The Applicant installed solar panels for the property owner, but did not recognize the setback.
2. The panels were set in what appears to be the only available space for solar panels, and other areas have limiting factors such as tree lines and an existing septic system.
3. The application was originally heard under Case No. 10742, on December 20, 2010. There was significant confusion, however, and the Applicant actually filed a new application to clarify the request.
4. A survey submitted by the Applicant cleared up the confusion. What appears to be a second dwelling on the property is actually a structure being used only for storage. The survey also served to clarify the areas on the property in which the panels could not be placed because of limiting factors.
5. The Board determined 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, 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 April 18, 2011