

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MARIA AND PATRICK O'SHEA

Case No. 10781 – 2011

A hearing was held after due notice on April 4, 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 corner side yard and side yard setback requirements.

Finding of Facts

The Board found that the Applicant was seeking a variance from corner side yard and side yard setback requirements northeast of Route 1, at the corner of Robinson Drive and Blackstone Avenue, Lot 1 and part of Lot 56, Silver Lake Manor. The Applicant was requesting a 12' variance from the required 15' side yard setback for a proposed in-ground pool, a 4' variance from the required 15' side yard setback for a deck, a 6' variance from the required 10' side yard setback for two attached outside showers, and a 1.5' variance from the required 5' side yard setback for an existing deck. After a hearing, the Board made the following findings of fact:

1. The Applicant hired Resort Point Builders for renovations, which subsequently subcontracted the work for the deck and outside showers.
2. No building permits were requested or issued for the deck or outside showers, and they were built in violation of setbacks.
3. The proposed location for the pool is necessary due to the irregular shape of the lot.
4. There is also an existing detached garage in the back yard, further limiting available space. The Applicant explored several different options in an effort to comply with setbacks, but was unable to do so.
5. 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 May 9, 2011.