

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: GEORGE & PENELOPE HACKMAN, JR. Case No. 10786 – 2011

A hearing was held after due notice on April 18, 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 rear yard setback requirement.

Finding of Facts

The Board found that the Applicants were seeking a variance from rear yard setback requirements north of Road 58B (Bayville Road), northwest of Bayview Circle West, Lot 201, Bayview Landing. The Applicant was requesting a 3.1' variance from the required 10' rear yard setback for a proposed sunroom. After a hearing, the Board made the following findings of fact:

1. The Applicant wishes to construct a sunroom on an existing deck.
2. The rear yard slopes toward a ditch, and to build the room within setbacks would leave only a 3' section of deck.
3. Ronald E. Gray testified in opposition. He is the owner of the manufactured home park on an adjacent parcel and feels that the encroachment will add to a debris problem in the ditch.
4. The Board determined that there was a 50' buffer between the park and the Applicant's property already in existence.
5. The Applicant also testified that debris in the ditch is primarily natural growth, and not something caused by the Applicant or other property owners.
6. The Board determined that the variance was necessary to enable reasonable use of the Applicant's property and was the minimum necessary to afford relief. Further, because there is a 50' buffer between properties, the Board determined that it would not alter the essential character of the adjacent manufactured home park.

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. Jeff 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 24, 2011.