

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

**IN RE: HORACE L. WALKER**

**Case No. 10788 – 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 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 south of Road 362, at the corner of Florida Circle and Florida Drive, Lot 3, Plantation Park. The Applicants were requesting a 5.6' variance from the required 30' front yard setback for a new dwelling. After a hearing, the Board made the following findings of fact:


1. The Applicant wishes to replace an older unit measuring 14'x70' with a 10'x19' enclosed patio, with a new unit measuring 26.7'x64'. Only a small portion of the new structure will encroach.
2. The proposed unit will actually encroach less than the existing structures. The Applicant will either move the sheds into compliance or request relief in another application.
3. The lot is an oddly shaped through lot with extra setbacks, thereby reducing the available building space.
4. The Board determined that the application generally met the standards for granting a variance. The lot is oddly shaped and small, and the reduced building envelope was not a situation created by the Applicant. There are other variances in the development because of the size of the lots, and this variance will not alter the essential character of the neighborhood. Variances are necessary in order to allow property owners to upgrade their dwellings, thereby satisfying the requirement that the variance be necessary for reasonable use of the property. Finally, the variance is the minimum necessary to afford relief and will actually result in less of an encroachment than currently exists.
5. 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 May 24, 2011