

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ALVIN MAST

Case No. 10791 – 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 Applicant was seeking a variance from rear yard setback requirements west of Road 613 (Memory Road) approximately 2300' north of County Road 629 (Staytonville Road). The Applicant was requesting a 5.8' variance from the required 20' rear yard setback for an existing dwelling. After a hearing, the Board made the following findings of fact:

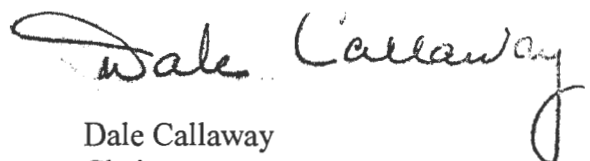
1. The Applicant's property straddles the border between Kent and Sussex Counties, which has created numerous difficulties over the years.
2. There is actually one Deed for the property recorded in Kent County and another in Sussex County. The Sussex County portion is taxed as part of another family parcel owned nearby.
3. The Applicant is proposing a resubdivision which will create a new boundary line along the County boundary. Doing so, however, creates a 5.8' encroachment as to an existing dwelling.
4. The Board determined that the application met the standards for granting a variance. The property was clearly unique by virtue of being bisected by the County line, the variance will enable reasonable use of the property, and there will be an improvement in the area.
5. A number of the adjacent properties are owned by the Applicant's family.
6. The variance will help clarify records for both of the Counties and will allow a separate parcel number to be assigned.
7. 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.