

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MARICRYST BIRACO

Case No. 10797 – 2011

A hearing was held after due notice on May 16, 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 south of Route 54, east of Stoney Run, Lot 26, Keenwick Sound. The Applicant was requesting a 1.8' variance from the required 30' front yard setback for an existing dwelling. After a hearing, the Board made the following findings of fact:

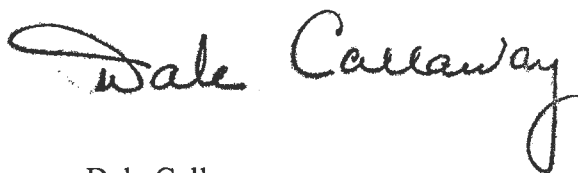
1. The Applicant purchased the property in July 2010.
2. The Applicant subsequently renovated the dwelling and added a sunroom. When a survey was completed following construction, an encroachment of the original dwelling was discovered for the first time.
3. Prior owners of the property were apparently unaware of the encroachment, and the County had issued a Certificate of Compliance in 1988.
4. The Homeowners' Association pointed out that the road had been widened approximately 15 years ago, and that may have created the minimal encroachment.
5. The Board determined that the application met the standards for granting a variance. The difficulty was not created by the Applicant, the property was already developed and the variance was therefore necessary to continue the use of the property, the variance had not made any impact upon the neighborhood, and the variance was the minimum necessary to afford relief.
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 June 20, 2011.