

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ROBERT P. AND MARIANNE TIMKO

Case No. 10799 – 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 side yard setback requirement.

Finding of Facts

The Board found that the Applicant was seeking a variance from side yard setback requirements east of Wilson Hill Road, north of Weigela Drive, Lot D6, Pine Bluff II. The Applicant was requesting a 1.9' variance from the required 10' side yard setback for an existing dwelling. After a hearing, the Board made the following findings of fact:

1. The dwelling was constructed in 2004.
2. Property lines run at an odd angle creating a uniquely shaped lot. It appears that construction was completed without recognition of the odd property lines, as the house could have been set properly when built. A Certificate of Compliance was issued by the County for the dwelling in June 2005.
3. The Board determined that the application generally met the standards for granting a variance. There is a practical difficulty in connection with possibly moving the dwelling, that difficulty was not created by the Applicant, the property cannot be reasonably used without the variance, the variance will not alter the essential character of the neighborhood, and the request is for the minimum necessary to afford relief.
4. 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.