

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JOSEPH J., III AND KATHLEEN NICHOLS Case No. 10817 – 2011

A hearing was held after due notice on July 11, 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 corner side yard, side yard and rear yard setback requirements.

Finding of Facts

The Board found that the Applicant was seeking variances from front, rear and side yard setback requirements at the southwest corner of Route 1 (Coastal Highway) and Dodd Avenue, being ½ of Lot 1 and ½ of Lot 2, Ann Acres. The Applicant was requesting a 3.3-foot variance from the required 15-foot corner side yard setback for the dwelling, a 5.8-foot variance from the required 10-foot side yard setback for an outside shower, a 1.0-foot variance from the required 10-foot rear yard setback for steps and a landing, a 3.9-foot variance from the required 5-foot side yard setback for a shed, and a 4.6-foot variance from the required 5 foot rear yard setback for a shed. After a hearing, the Board made the following findings of fact:


1. The Applicant is preparing to sell the property, and is attempting to remedy several violations.
2. It is understood that the original dwelling was destroyed in 1996, and rebuilding and additions have been undertaken over the years by previous owners.
3. Building permits were obtained and Certificates of Compliance were issued for all improvements on the property.
4. The shed cannot be moved into compliance.
5. This area is fairly old, and there are numerous dwellings and structures which do not comply with setbacks.
6. The Board found that the application met the standards for granting a variance. There is a practical difficulty not created by the Applicant, lots are small and variances are necessary to continue reasonable use of the property, the property is typical of the area, and the requested variances are the minimum necessary to enable existing structures to remain in their present locations.
7. Several individuals appeared in support, and no parties appeared in opposition.

The Board granted the requested variances.

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 July 21, 2011