

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: HARRISON & ROSA GALE

Case No. 10830 – 2011

A hearing was held after due notice on July 25, 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 northwest of Road 351, east of Baltimore Avenue, Lot 32, Banks Acres. The Applicant was requesting a 2' variance from the required 5' side yard setback for an existing detached garage. After a hearing, the Board made the following findings of fact:

1. A prior owner of the property constructed the garage in 1982, and which encroaches into the setback.
2. The only way to correct the encroachment would be to tear down the garage, which would also require moving an existing shed.
3. The Board determined that the application met the standards for granting a variance. The difficulty was created not by the Applicant, but by a prior owner, the garage has been in place for almost 30 years, and is clearly not altering the character of the neighborhood, the existence of the garage ensures reasonable use of the property, and the requested variance is 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 September 8, 2011.