

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MARGARET A. ANDERSON TRUST

Case No. 10833 – 2011

A hearing was held after due notice on August 8, 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 at the corner of Old Landing Road and Breezewood Road, Lot 17, Block 2, Breezewood. The Applicant was requesting a 6.9' 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 1979, and an addition was built in 1995. The dwelling encroached as originally built, but Certificates of Occupancy were issued on both occasions.
2. The lot is narrow and the property lines are angled, creating a unique situation. The recorded restrictions require a 40' setback off Old Landing Road, which eliminated substantial building area.
3. The difficulty was not been created by the Applicant, the property is unique in terms of shape and setbacks, the dwelling in its present location is reasonably necessary, the variance will not alter the essential character of the neighborhood, and the Applicant is requesting no more than 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 27, 2011