

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: GARY AND SHIRLEY CURRY

Case No. 10835 – 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 east of Road 341B (Pepper Creek Road), west of Long Leaf Road, Lot 197, Dogwood Acres. The Applicant was requesting a 5' variance from the required 10' side yard setback for an existing attached shed. After a hearing, the Board made the following findings of fact:

1. A survey completed for a settlement in April 2011 revealed the encroachment. Because the shed is attached to the main dwelling, the full 10' setback is required. However, the garage to which the shed is attached would also be in violation even if the shed had not been added. A ramp shown on the survey is at ground level and is therefore permitted.
2. The structures at issue have been on the property since 1981, and it would be unreasonably difficult for them to be moved at this time.
3. The difficulty was not created by the Applicant, and since it has existed since 1981, has become part of the reasonable use of the property and has not affected the character of the area. The requested variance is the minimum necessary to afford relief.
4. No parties 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.