

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ERIC SUGRUE

Case No. 10837 – 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 rear yard setback requirement.

Finding of Facts

The Board found that the Applicant was seeking a variance from rear yard setback requirements east of Bald Eagle Road, south of Fourth Street, Lots 216 and 217, Bay Vista. The Applicant was requesting a 17.2' variance from the required 10' rear yard setback for a studio addition and a 16' variance from the required 20' front yard setback for an attached outdoor shower. After a hearing, the Board made the following findings of fact:

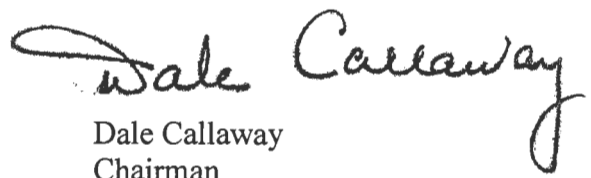
1. The Applicant purchased the property several years ago in poor condition and undertook a major renovation last year.
2. The Applicant essentially built what was originally on the property. Building plans were approved, and the Applicant did not realize that the plan approval permit did not address zoning issues, particularly the fact that he could not replace previous structures which were legally nonconforming.
3. Lots in that particular area are undersized, and there are numerous other dwellings which have received variances for development in order to upgrade the area. The completed structure also served to increase the front yard.
4. The Board determined that the Applicant had been misled to some extent by virtue of the fact that the County had approved his building plans, which included setback encroachments. The Board found that the property was unique by virtue of being undersized, and that variances allowed reasonable use of the property since they permitted reconstruction of what was originally located on the property. The Board also found that the variances would not alter the character of the area in light of the numerous variances on other properties, and were the minimum necessary to afford relief.

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 September 27, 2011.