

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: BRIAN AND LISA WHITE**

**Case No. 10844 – 2011**

A hearing was held after due notice on August 22, 2011. The Board members present were: 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 and front yard setback requirements.

Finding of Facts

The Board found that the Applicant was seeking a variance from side yard and front yard setback requirements west of Road 279 (Camp Arrowhead Road), approximately 160' north of Road 277 (Angola Road). The Applicant was requesting a .8' variance from the required 5' side yard setback for detached garage and a 26.5' variance from the required 40' front yard setback for a second level deck. After a hearing, the Board made the following findings of fact:

1. The Applicant recently purchased the property and a survey revealed existing encroachments.
2. The previous owner built the existing structures without building permits, but Certificates of Occupancy were issued.
3. The Applicant also owns the adjacent property.
4. The original house was built in the 1940s, and was legally nonconforming. The stairs were added later. The long-time existence of the properties has not altered the character of the neighborhood, and the problems were not been created by the Applicant.
5. The lot is oddly shaped, and tapers toward the rear.
6. The variances requested are necessary to allow use of the property as it has existed for many years, and are the minimum necessary to afford relief.
7. No persons 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. Mills, Mr. Workman and Mr. Hudson; voting against – none.

**BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY**



John Mills  
Vice-Chairman

If the use is not established within one (1) year from the date below the application becomes void.

Date October 18, 2011.