

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JOHN C. MURRAY

Case No. 10850 – 2011

A hearing was held after due notice on September 12, 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 front yard and side yard setback requirements.

Finding of Facts

The Board found that the Applicant was seeking a variance from front yard and side yard setback requirements south of Route 1 (Coastal Highway), east of Ann Avenue, Lot 11, Block A, Ann Acres. The Applicant was requesting a 2.8' variance from the required 10' side yard setback, a 4.3' variance from the required 10' side yard setback, and a 10' variance from the required 30' front yard setback. After a hearing, the Board made the following findings of fact:

1. The Applicant purchased the property in 2003, and enclosed an existing deck in 2005. The deck was permitted to encroach 5 feet by code, but enclosing it created a violation. The other variances are simply to validate long-existing encroachments which were legally nonconforming.
2. A Zoning Inspector made the Applicant aware of the encroachments while inspecting the site in connection with another permit.
3. The Applicant had hired a builder to obtain the permit, but a second builder constructed the porch.
4. The Board determined that the application generally met the standards for granting a variance. The lot is unique in terms of its small size, the difficulties were created not by the Applicant, but by the contractor, the variances are necessary to enable reasonable use of the property as constructed, the fact that the improvements have been in place for 8 years indicates that there will be no adverse effect on the character of the neighborhood, and the requested variances are the minimum necessary for relief.
5. 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. 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 October 18, 2011.