

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MARTHA JANE HORN

Case No. 10858 – 2011

A hearing was held after due notice on September 26, 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 and side yard setback requirements.

Finding of Facts

The Board found that the Applicant was seeking a variance from rear yard and side yard setback requirements south of Road 536 (Woodland Road), approximately 335' west of a private road (Walker Road). The Applicant was requesting a 15' variance from the required 20' rear yard setback, and a 10.5' variance from the required 15' side yard setback for an existing metal building. After a hearing, the Board made the following findings of fact:

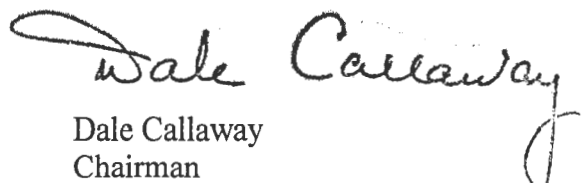
1. The Applicant's parents previously owned the property and had the building constructed in 1996.
2. The Applicant's parents are deceased, and the property needs to be sold. A survey prepared in connection with proposed settlement revealed the encroachment.
3. A building permit and a Certificate of Compliance had been issued by the County for the building. Had the structure been six square feet smaller, it would have qualified for a 5' setback.
4. The Board determined that the application met the standards for granting a variance. Any difficulty was created at least in part by the County having issued the building permit and approved construction. The variance is necessary to enable reasonable use of the property as it exists. The variance will not alter the essential character of the neighborhood, as it has been there for a number of years, and the variance is the minimum necessary to afford relief.
5. Several persons appeared in support of the application, and 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 November 8, 2011.