

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: GILBERT & JOAN HOFHEIMER

Case No. 10862 – 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 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), north of Andrew Avenue, Lot 8, Ann Acres. The Applicant was requesting a 10' variance from the required 30' front yard setback and a 2.8' variance from the required 10' side yard setback for a proposed dwelling. After a hearing, the Board made the following findings of fact:

1. The Applicant purchased the property approximately nine (9) years ago, and wishes to tear down the old existing dwelling and construct a new one. The existing dwelling already encroaches into front and side setbacks, but is legally nonconforming because of its age.
2. The Applicant plans to make this a permanent residence, and the proposed location of the dwelling will be consistent with many other homes in the area.
3. There are numerous variances in the area, and the Applicant's builder has constructed 4 other dwellings in the immediate vicinity. Encroachments created by the proposed dwelling will actually encroach less than the old dwelling.
4. The Board determined that the application generally met the standards for granting a variance. The difficulty exists because of the older non-conforming structures and small lots. Variances are necessary to allow improvements and reasonable use of the property, and will not alter the essential character of the neighborhood since many other homes are being similarly renovated. The variance is the minimum necessary to afford 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 November 8, 2011.