

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

**IN RE: KATHLEEN TIRELLA**

**Case No. 10864 – 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 setback requirement.

Finding of Facts

The Board found that the Applicant was seeking a variance from rear yard setback requirements northeast of Route 54, southwest of Bayview Circle East, Lot TH-50, Bayview Landing. The Applicant was requesting a 5' variance from the required 20' rear yard setback for a proposed screened porch and for relocation of an HVAC unit. After a hearing, the Board made the following findings of fact:

1. The Applicant owns an interior townhome in the building.
2. There is an existing concrete slab behind the unit, and the Applicant wishes to construct a screened porch over that existing slab. Because the HVAC unit currently sits on that same slab, it needs to be relocated to the rear of the property.
3. The rear yard is adjacent to common area, and would not interfere with other properties.
4. The Board determined that the porch and relocated HVAC equipment would not affect the character of the area.
5. The owners association approved the request, 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.