

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CADY BELL & NICHOLE DAVICK

Case No. 10865 – 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 side yard setback requirement.

Finding of Facts

The Board found that the Applicant was seeking a variance from side yard setback requirements north of Road 270A (Munchy Branch Road), west of Pilot Drive, Lot 19, Breakwater Estates. The Applicant was requesting a 1' variance from the required 10' side yard setback for an existing dwelling. After a hearing, the Board made the following findings of fact:

1. The Applicant purchased the property in May 2011. A survey prepared in connection with that settlement revealed the minor encroachment.
2. The dwelling was constructed in the 1990s, and a Certificate of Compliance was issued by the County.
3. Trying to adjust for a 1' encroachment would create a significant practical difficulty.
4. The Board found that the application met the standards for granting a variance. The difficulty was created by the County having issued a Certificate of Compliance despite the minor encroachment. The property was unique in terms of its size, 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, and the variance is the minimum necessary to afford relief.
5. 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.