

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MIKE ZILLIOX

Case No. 10875 – 2011

A hearing was held after due notice on October 3, 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 front yard setback requirements.

Finding of Facts

The Board found that the Applicant was seeking a variance from rear yard and front yard setback requirements south of Wil King Road, north of Acorn Drive, Lot 17, Oakwood Village. The Applicant was requesting a 6.4' variance from the required 10' rear yard setback for an existing deck and a 2.4' variance from the required 30' front yard setback for an existing dwelling. After a hearing, the Board made the following findings of fact:


1. The Board determined that the front yard setback was only 25' because it was part of a cluster subdivision, and as a result the Applicant did not need a variance for the front yard.
2. The placement of the dwelling was established by a surveyor, which appears to have been in error. Nevertheless, following the completion of construction the County issued a Certificate of Compliance.
3. It has been determined, however, that a 6.4' variance is required for the deck in the rear yard.
4. The Board determined that the Application generally met the standards for granting a variance.

The Board denied the front yard variance request as unnecessary, and granted a 6.4' variance for the rear yard.

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 22, 2011.