

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: RICHARD CULVER

Case No. 10879 – 2011

A hearing was held after due notice on October 17, 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 511 (Jackson Road), approximately 1,800' west of Road 501 (St. George Road). The Applicant was requesting a 41.4' variance from the required 50' side yard setback for an existing manure shed. After a hearing, the Board made the following findings of fact:

1. The manure shed was built in 1993 when the Applicant's parents owned the property.
2. The Applicant and his two siblings have inherited the property and are attempting to subdivide between themselves. The resulting survey work revealed the encroachment.
3. The Applicant testified that the manure shed has always been encroaching into the side yard setback. A Certificate of Compliance was issued by the County.
4. The adjacent property is also farmland.
5. The Board determined that the application met the standards for granting a variance. The difficulty was not created by the Applicant or his siblings, a variance is necessary to ensure reasonable use of the property since nutrient management programs require manure sheds, the variance will not alter the essential character of the area since it is essentially farmland, and the variance is the minimum necessary to afford relief.
6. 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 December 14, 2011.