

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ANDREW C. & KIM E. BIASOTTO

Case No. 10881 – 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 south of Road 363, southeast of Marina Park Drive, Lot 8, Plantation Park Marina. The Applicant was requesting a .5' variance from the required 10' side yard setback for an existing dwelling, and a 2.6' variance from the required 5' side yard setback for an existing shed. After a hearing, the Board made the following findings of fact:

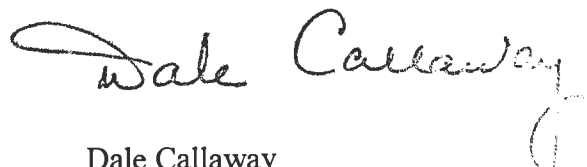
1. The Applicant purchased the property in August 2011 and discovered that both the dwelling and a shed violate setbacks. The variance requested for the dwelling is extremely minimal.
2. The County issued a Certificate of Compliance in 1993.
3. There was never a permit issued for the shed, but the Applicant indicated that it wasn't necessary.
4. The Board determined that the application met the standards for granting a variance. The lot is narrow and a variance is necessary to enable reasonable use of the property. The difficulty was not created by the Applicant, as a Certificate of Compliance has already been issued. The variance will enable reasonable use of the property, will not alter the essential character of the neighborhood, and is the minimum necessary to afford relief.
5. The Applicant indicated that the shed would be removed in the spring.
6. No persons appeared in opposition.

The Board granted the variance for the dwelling, but since the shed is to be removed, that variance application was denied as unnecessary.

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.