

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: GAYLORD AND ELIZABETH LEONARD Case No. 10885 – 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 corner side yard setback requirement.

Finding of Facts

The Board found that the Applicant was seeking a variance from the corner side yard setback requirement west of Route 1 (Coastal Highway) at the corner of Andrew Avenue and First Street, Lot 16, Block E, Ann Acres. The Applicant was requesting a 5' variance from the required 15' corner side yard setback for a proposed addition. After a hearing, the Board made the following findings of fact:

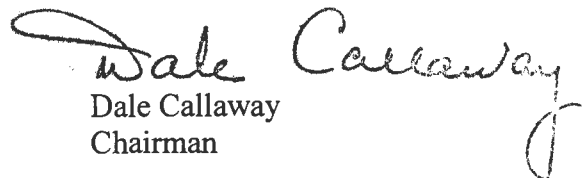
1. The Applicant has owned the property since the 1970s. It is in an older neighborhood, and there are numerous non-conforming dwellings as a result.
2. The Applicant's proposed addition will allow for upgrading and additional space.
3. The proposed addition will be roughly 40' from the road, and will not interfere with vision from any other property or with traffic.
4. The Board determined that the Application generally met the standards for granting a variance. The property is unique in that it is relatively small, is triangular in shape, and is a corner lot, thereby necessitating a larger side setback. Interior lots would only have a 10' setback.
5. The variance is necessary to enable reasonable use of the property, will not alter the essential character of the neighborhood, and 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.