

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: VICTOR WILLIAMSON

Case No. 10887 – 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 west of Main Street, south of Earlee Avenue, Lot 3, Section 2A, Passwaters Estates. The Applicant was requesting a 12' variance from the required 15' side yard setback for a proposed pole building. After a hearing, the Board made the following findings of fact:

1. The Applicant wishes to construct a 24'x32' pole building, but does not have sufficient space without a variance.
2. The Board found that the property was unique because of the angled side property line, creating an odd shaped lot difficult to develop.
3. The Board determined that the proposed building cannot be located without a variance, as a result of the existing dwelling, the septic system, and a number of mature trees.
4. The Board determined that the pole building would not alter the essential character of the neighborhood, as it will look like a garage.
5. The Applicant owns the adjacent property most affected by the proposal, and needs the pole building for storage.
6. Shirley Keel testified in opposition. She was concerned with the height of the building because the Applicant owns a large motor home. She also inquired as to how the Applicant would access the building and if other parties owned the surrounding properties as opposed to the Applicant.
7. In rebuttal, the Applicant pointed out that the building would look like a standard detached garage with the same height, that it would not be used to store the motor home, that it would be used for storage purposes only, and that it would be accessed from the Applicant's existing driveway. The Applicant also reiterated that she and her husband are the sole owners of the surrounding property.

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.