

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: TIMOTHY AND DIANE CLARK

Case No. 10889 – 2011

A hearing was held after due notice on November 7, 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 front yard and side yard setback requirements.

Finding of Facts

The Board found that the Applicant was seeking a variance from front yard and side yard setback requirements west of Route 54, north of Oak Road, Lot 18, Keenwick on the Bay. The Applicant was requesting a 5' variance from the required 30' front yard setback and a 4.5' variance from the required 10' side yard setback for a proposed attached garage. After a hearing, the Board made the following findings of fact:

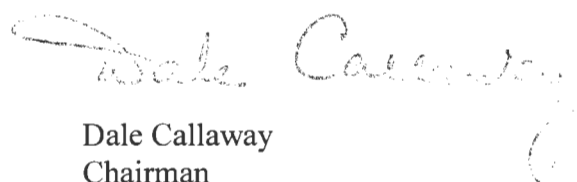
1. The Applicant wishes to construct a garage measuring 22'x22' for storage. Most of the other houses on the street are two stories.
2. The subdivision permits a 5' side yard setback and a 25' front yard setback. The Association supports the Application, which would be in conformity with its own setbacks.
3. The proposed garage will still be 37' from the street, since there is a 12' space between the road and the property line. A shed which was previously encroaching has now been moved into compliance and may be removed altogether.
4. All of the structures were in existence when the Applicant purchased the property.
5. The Board determined that the Application generally met the standards for granting a variance. The lots are unique in terms of their size, the addition of a garage will, as with many other properties in the subdivision, allow for the reasonable use of the property. The variances will not alter the essential character of the neighborhood since numerous other properties are similarly encroaching, and the variances are the minimum necessary to provide relief.
6. The Association and the Applicant's neighbors support the Application. No persons appeared in opposition.

The Board granted the requested variances.

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 28, 2011.