

BEFOR THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: THOMAS M. AND AMANDA ROSENTHAL Case No. 10892 – 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 height requirement.

Finding of Facts

The Board found that the Applicant was seeking a variance from fence height requirements on a parcel southwest of Road 62 (Whaley's Road), north of Road 64 (Whitesville Road). The Applicant was requesting a 4' variance from the required 4' height for a fence around an in-ground pool. After a hearing, the Board made the following findings of fact:

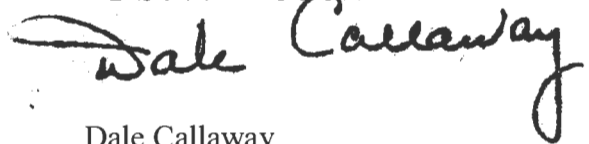
1. The Applicants live on a 100 acre parcel, and wish to install an in-ground pool, but without fencing.
2. Neither the State nor the Applicant's insurance company requires any fencing, and given the great distance from any other properties there is no need for a privacy fence.
3. The Applicant already has a pond on the property which is deeper than the pool, and the County does not require a fence for that pond.
4. The variance will not alter the essential character of the neighborhood. The pool will be approximately ½ mile from the road.
5. 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, and Mr. Hudson; voting against – Mr. Workman.

**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