

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: TOM DI'OBILDA

Case No. 10893 – 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 side yard setback requirement.

Finding of Facts

The Board found that the Applicant was seeking a variance from side yard setback requirements east of Route 16 (Broadkill Road), at the southeast corner of Bayshore Drive and Arizona Avenue, Lot 15, Block N, North Shores. The Applicant was requesting a 7.9' variance from the required 15' side yard setback for a proposed deck, and a 3' variance from the required 10' side yard setback for a proposed dwelling. After a hearing, the Board made the following findings of fact:

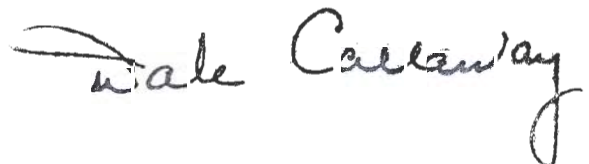
1. The lot measures 50'x100'. Most lots of the same size have 10' setbacks and a 30' wide building area. Because this property is on a corner, the 15' setback further limits the buildable area in an unreasonable fashion.
2. The Applicant wishes to construct a 28' wide dwelling with an 8' deck.
3. The Applicant's realtor testified that the dwelling would have no impact on the neighborhood.
4. The Board found that the Application generally met the standards for granting a variance. The difficulty lies in the size of the lots and this specific corner lot, and that difficulty was not created by the Applicant. The variance is necessary to enable reasonable use of the lot, since the buildable area of 25' is unreasonably small. There have been numerous variances in the area, and the Applicant's variances will not alter the essential character of the neighborhood.
5. The requested variances are the minimum necessary to afford relief.⁶⁷
6. 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.