

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: WILLIAM MICHAEL DAVIS & RICHARD BRYANT Case No. 10899 – 2011

A hearing was held after due notice on November 21, 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 north of Hebron Road, west of Worcester Road, Lot 255, Canal Point. The Applicant was requesting a .8' variance from the required 10' side yard setback for an existing dwelling. After a hearing, the Board made the following findings of fact:

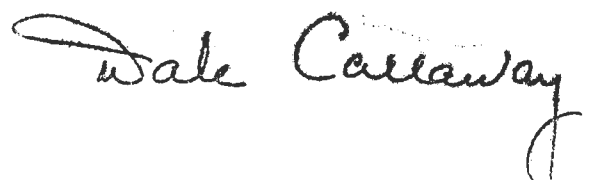
1. The development was created in 2004. In 2007, adjustments were made to several lot lines in order to accommodate dwellings designed by NV Homes.
2. The existing problem stems from a survey company staking out a lot based on the original site plan, and not having taken into account the revisions. Only when a final survey was completed was the use of the wrong plot discovered, and the resulting encroachment. Moving or adjusting the dwelling will create significant problems.
3. The Applicant attempted to purchase property from the adjacent neighbor, but was unsuccessful in doing so.
4. A fence which encroaches for the same reason will be moved.
5. The Board found that the Application met the standards for granting a variance. The property was unique in terms of its modified lot lines, the difficulty was created not by the Applicant, but by a surveyor, the variance is necessary to enable the reasonable and existing structures on the property, the minimal nature of the variance will not alter the essential character of the neighborhood, and the variance requested 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 JANUARY 10, 2012.