

## BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

### IN RE: MOHEB BASHANDI (Case No. 10910)

A hearing was held after due notice on December 12, 2011. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. Ronald McCabe, Mr. John Mills, and Mr. Brent Workman.

#### Nature of the Proceedings

This is an application for a variance of the side yard setback requirement.

#### Findings of Fact

The Board found that the Applicant was seeking a variance of 4.6 feet from the 5 foot side yard setback requirement for an existing shed. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located on the northeast corner of Millsboro Highway and Boblin Court; said property being identified as Sussex County Tax Map Parcel Number 1-33-20.00-15.00. After a hearing, the Board made the following findings of fact:

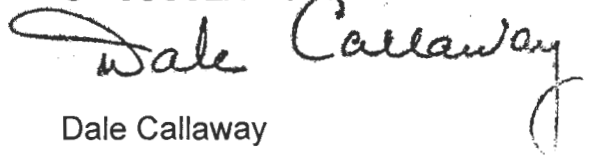
1. Moheb Bashandi testified on behalf of the Applicant.
2. The Board found that the Applicant purchased the property in 2001 and that a shed existed on the Property at that time.
3. The Board found that the Applicant removed the existing shed and placed a larger shed on the location after obtaining a building permit and Certificate of Compliance from Sussex County.
4. The Board found that the existing septic system is located in front of the shed and that trees are located nearby as well which make it difficult for the Applicant to move the shed into compliance.
5. The Board found that the Applicant's wife is suffering from cancer and her condition has created financial difficulty for the Applicant.
6. The Board originally tabled its decision on this Application but discussed the Application and rendered its decision at the meeting on December 19, 2011 after due notice to the public.
7. The Board found that Kristin Brittingham testified in opposition to the Application. She lives next door to the property and the shed is close to her property line. She is in the process of selling her property and learned of the encroachment when conducting a survey. She believes that a hardship will be created if her property does not sell because of the location of the shed. She purchased her property after the shed was placed in its current location.
8. Three persons appeared in favor of the Application and two persons appeared in opposition to the Application.
9. Based on the findings above and the testimony presented at the public hearing, the Board determined that the application met the standards for granting a variance. The variance would not alter the character of the neighborhood and is the minimum variance necessary to afford relief.

The Board granted the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. Ronald McCabe, Mr. John Mills, and Mr. Brent Workman. No Members of the Board voted in opposition to the Application.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY

A handwritten signature in cursive script that reads "Dale Callaway". The signature is written in dark ink and is positioned above the printed name and title.

Dale Callaway  
Chairman

If the use is not established within one (1)  
year from the date below the application  
becomes void.

Date March 22, 2012.