

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: DEREK CATHELL (Case No. 10945)**

A hearing was held after due notice on February 20, 2012. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances of the setback requirement for a poultry house, the side yard setback, and the setback requirement from any dwelling not on the premises.

Findings of Fact

The Board found that the Applicant was seeking a variance of 2.1 feet from the 15 foot side yard setback requirement for an existing dwelling, a 37 foot variance from the 50 foot setback requirement for a poultry house, and a variance of 170 feet from the 200 foot setback requirement from any dwelling not on the premises. The Applicant has requested that the aforementioned requested variances be granted as it pertains to certain real property located northwest of Road 380 (Parker Road) approximately 712 feet west of Route 113 (DuPont Boulevard); said property being identified as Sussex County Tax Map Parcel Number 5-33-4.00-4.01. After a hearing, the Board made the following findings of fact:

1. Derek Cathell testified on behalf of the Applicant.
2. The Board found that the Applicant testified that he was gifted the Property in 2010 but his parents still operate a poultry farm on the Property.
3. The Board found that the Applicant intends to subdivide the Property into two (2) lots whereby the existing dwelling will be located on one property and the existing poultry houses will be located on the other property.
4. The Board found that the Applicant testified that he intends to build a home on the three (3) acre parcel he plans to subdivide on the Property and that the subdivision is necessary to enable him to obtain a loan to build the dwelling.
5. The Board found that the Applicant testified that the lender will not give him a loan so long as the poultry houses are located on the Property and that he did not create the hardship.
6. No persons appeared in opposition to the Application.
7. Five (5) persons appeared in support of the Application.
8. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the application met the standards for granting a variance. The Property and the lender requirements for the subdivision are unique. The difficulty was not caused by the Applicant. The variances sought are the minimum to afford relief and will not alter the essential character of the neighborhood. The variances are needed to enable reasonable use of the property.

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. Norman Rickard, and Mr. Brent Workman. No Member voted against the Application.

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 March 22, 2012