

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY
IN RE: INGRID C. GORDON & LEON MIRANIAN (Case No. 10970)

A hearing was held after due notice on May 7, 2012. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, 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 Applicants were seeking a variance of 0.4 feet from the required 15 foot side yard setback requirement for an existing garage. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Road 635 (Rust Road) approximately 781 feet west of Sussex County Road 621 (Calhoun Road); said property being identified as Sussex County Tax Map Parcel Number 1-30-6.00-56.06. After a hearing, the Board made the following findings of fact:

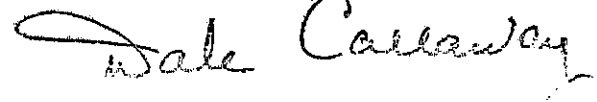
1. Leon Miranian appeared at the hearing and testified on behalf of the Application.
2. The Board found that the Applicant testified that he purchased the Property on January 13, 2012, and that a survey of the property completed for settlement showed an encroachment into the side yard setback area.
3. The Board found that the Applicant testified that the previous owner obtained a building permit and a Certificate of Compliance for the garage and that the previous owner and the County inspector believed that the garage was compliant with setback requirements at the time it was built.
4. The Board found that the Applicant testified that to bring the garage into compliance would be very costly.
5. The Board found that the Applicant testified that the need for the variance was not created by the Applicant.
6. The Board found that the Applicant testified that the variance, if granted, will not alter the character of the neighborhood as there have been no complaints from neighbors about the location of the garage.
7. The Board found that the Applicant testified that the requested variance is the minimum variance to afford relief.
8. The Board found that no parties appeared in opposition to or in support of the Application.
9. The Board found that the Planning & Zoning Office received one (1) letter in support of the Application.
10. 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 circumstances creating the need for the variance are unique as a Certificate of Compliance was issued for the garage. The variance is necessary to enable reasonable use of the Property. The variance will not alter the essential character of the neighborhood and is the minimum variance to afford relief. The need for the variance was not created by the Applicant.

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. John Mills, 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 June 5, 2012