

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

**IN RE: STEVEN ABDALLA AND BEVERLY ABDALLA (Case No. 10977)**

A hearing was held after due notice on May 21, 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 rear yard setback requirement.

Findings of Fact

The Board found that the Applicants were seeking a variance of 6 feet from the required 10 foot rear yard setback requirement for a proposed screen porch and overhang on an existing deck. The Applicants have requested that the aforementioned requested variances be granted as it pertains to certain real property located east of Road 279 (Angola Beach Road) west of Herring Reach Court, being Lot 44 within Bay Pointe development; said property being identified as Sussex County Tax Map Parcel Number 2-34-18.00-658.00. After a hearing, the Board made the following findings of fact:

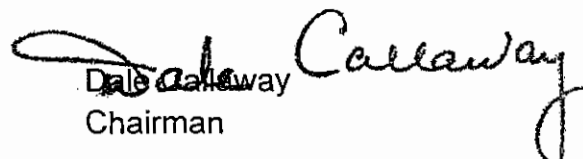
1. Beverly Abdalla and Pamela McDonald appeared at the hearing and testified on behalf of the Application.
2. The Board found that the Applicant testified that she wants to construct a screen porch to ward off mosquitos.
3. The Board found that the Applicant testified that to enclose only five (5) feet of the porch in order to comply with the setback requirements is not practical nor would the community approve that size porch.
4. The Board found that the Applicant testified that the rear yard is adjacent to a pond in the development.
5. The Board found that the Applicant testified that there is no adverse effect to the neighborhood and that there are similar porches in the development.
6. The Board found that the Applicant testified that the variance will enable reasonable use of the Property.
7. The Board found that the Applicant testified that the need for a variance was not created by the Applicant, that it is the minimum variance to afford relief, and that the neighbors support the Application.
8. The Board found that no parties appeared in opposition to or in support of the Application.
9. 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 is unique because the dwelling covers the entire buildable area of the lot. 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 19, 2012