

## BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

### IN RE: JAY BESTPITCH (Case No. 10993)

A hearing was held after due notice on June 18, 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 Applicant was seeking a variance of 1.1 feet from the required 10 foot side yard setback requirement for an existing garage. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located northeast of Road 279 (Camp Arrowhead Road) 2,400 feet south of Road 277 (Angola Road) and more specifically southwest of Pine road within Angola Neck Acres and 120 feet northeast of Road 279 (Camp Arrowhead Road), being Lot 14 within Angola Neck Acres development; said property being identified as Sussex County Tax Map Parcel Number 2-34-12.18-47.02. After a hearing, the Board made the following findings of fact:

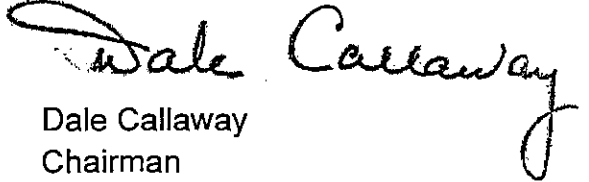
1. Judith Bestpitch appeared at the hearing and testified on behalf of the Application.
2. The Board found that the Applicant testified that the existing garage has been on the lot for 15 years.
3. The Board found that the Applicant testified that the Applicant received approval for a Conditional Use for multi-family use in 1999.
4. The Board found that the Applicant testified that the property has been surveyed twice and that the survey completed for the Conditional Use application showed the encroachment.
5. The Board found that the Applicant testified that the builder placed the garage in its current location years ago and they thought the encroachment issue was resolved during the Conditional Use application process.
6. The Board found that the Applicant testified that the survey completed for the subdivision of the Property showed the encroachment and the Applicant was informed that the encroachment had not been resolved with the prior application.
7. The Board found that the Applicant testified she was advised to apply for the variance.
8. The Board found that the Applicant testified that a Certificate of Compliance was issued for the garage when it was built.
9. The Board found that the Applicant testified that there is an existing shed that will be moved into compliance.
10. The Board found that no parties appeared in opposition to or in support of the Application.
11. 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 it is an odd-shaped 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 variance represents the least modification possible of the regulation in issue.

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 July 17, 2012