

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DIAMOND STATE POLE BUILDING (Case No. 11024)

A hearing was held after due notice on August 6, 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 2.7 feet from the 15 foot side yard setback requirement for an existing pole building. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located northeast of Road 620 (Abbotts Pond Road) approximately 1,485 feet west of Road 633 (Griffith Lake Drive), being Lot 2; said property being identified as Sussex County Tax Map Parcel Number 1-30-2.00-13.11. After a hearing, the Board made the following findings of fact:

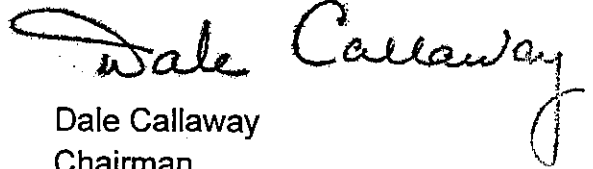
1. Nick Alasandro of Diamond State Pole Building was present and sworn in to testify about the Application.
2. The Board found that Mr. Alasandro testified that he built the pole building in April 2012 for property owner Richard Olson.
3. The Board found that Mr. Alasandro testified that prior to construction his company staked out the location for the pole building.
4. The Board found that Mr. Alasandro testified that the property owner asked the crew to slightly change the original location of the pole building and that the crew did not contact the office prior to making the change.
5. The Board found that Mr. Alasandro testified that the building was constructed.
6. The Board found that Mr. Alasandro testified that a final survey completed for the Certificate of Compliance showed the encroachment.
7. The Board found that Mr. Alasandro testified that his company has never made a mistake like this before.
8. The Board found that Mr. Alasandro testified that they have built four (4) similar structures on this street.
9. The Board found that Mr. Alasandro testified that the neighbor has no objection to the Application.
10. The Board found that Mr. Alasandro testified that the building has a concrete floor and that it would be a hardship to move the building into compliance.
11. The Board found that Mr. Alasandro testified that there has not been a Certificate of Compliance issued on the pole building so the structure is empty.
12. The Board found that two (2) parties appeared in support of the Application.
13. The Board found that no parties appeared in opposition to the Application.
14. The Board tabled its decision on this matter until August 20, 2012.
15. The Board discussed the Application at its meeting on August 20, 2012.
16. 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 due to the location of the pool. The variance will not alter the essential character of the neighborhood. The requested variance is the minimum variance needed to afford relief.

The Board approved 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 approve. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Norman Rickard. No Member voted against the Motion to Approve 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 September 11, 2012