

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**  
**IN RE: MARCUS DODGE AND SHARON DODGE (Case No. 11038)**

A hearing was held after due notice on September 10, 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 9.2 feet from the 10 foot front yard setback requirement for a proposed dwelling and air conditioning unit. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Route 54 (Lighthouse Road) northwest of Blue Teal Road, being Lot 25 Block C Section A within Swann Keys development; said property being identified as Sussex County Tax Map Parcel Number 5-33-12.16-426.00. After a hearing, the Board made the following findings of fact:

1. Marcus Dodge, Sharon Dodge, and Brett Reilly were present and sworn in to testify about the Application.
2. The Board found that Mr. Reilly testified that he is a representative of the builder of the proposed dwelling.
3. The Board found that Mr. Reilly testified that the lot is 40 feet wide and that the proposed dwelling will measure 26 feet wide.
4. The Board found that Mr. Reilly testified that the variance will allow for a 10 foot driveway and that there are numerous similar variances in the development.
5. The Board found that Mr. Reilly testified that uniqueness of the lot is that it is 40 feet wide and most lots in the development are 50 feet wide.
6. The Board found that Mr. Reilly testified that the variance will enable reasonable use of the Property.
7. The Board found that Mr. Reilly testified that the variance will not alter the character of the neighborhood and that the proposed use will conform to the uses in the neighborhood.
8. The Board found that Mr. Reilly testified that the variance requested is the minimum variance to afford relief.
9. The Board found that Mr. Reilly testified that the Property will have stone between the unit and the property line for low maintenance.
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 in size due to its narrowness. The variance will enable reasonable use of the Property. The difficulty was not created by the Applicants because the lot is so narrow. The variance, if granted will not alter the character of the neighborhood. The variance sought is the minimum variance to afford relief. The variance will not impair the uses of neighboring and adjacent properties

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 25, 2012