

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

**IN RE: CAROL L. CURRAN**

**(Case No. 11304)**

A hearing was held after due notice on December 16, 2013. The Board members present were: Mr. Dale Callaway, Mr. Jeffrey Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a variance from side yard setback requirement.

Findings of Fact

The Board found that the Applicant was requesting a variance of 6.1 feet from the ten (10) feet side yard setback requirement for a proposed pole building on an undersized lot. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located southeast of Road 341B (Pepper Creek Road) 0.45 mile north of Road 341 (Falling Point Road) being Lot 222 of Dogwood Acres Subdivision; said property being identified as Sussex County Tax Map Parcel Number 1-34-6.00-187.00. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received no correspondence regarding the Application.
2. The Board found that Carol Curran was sworn in to testify on behalf of the Application.
3. The Board found that Ms. Curran testified that the proposed pole building will measure twenty-four (24) feet by forty (40) feet.
4. The Board found that Ms. Curran testified that she wants the pole building to line up with her existing driveway and that she would have to place the pole building behind her house and not lined up with the driveway in order to meet the setback requirements.
5. The Board found that Ms. Curran testified that the two (2) existing sheds will be removed from the Property.
6. The Board found that Ms. Curran testified that there is no garage attached to the dwelling.
7. The Board found that Ms. Curran testified that the septic system is in the rear yard and the proposed pole building will be approximately fifteen (15) to twenty (20) feet from the existing septic system.
8. The Board found that Ms. Curran testified that she plans to store her pontoon boat and car in the pole building.
9. The Board found that Ms. Curran testified that the pole building will be approximately twenty-two (22) feet from the existing dwelling.
10. The Board found that Ms. Curran testified that there is another pole building on a property nearby.
11. The Board found that Ms. Curran testified that the pole building will be fourteen (14) feet tall.
12. The Board found that no parties appeared in support of or in opposition to the Application.
13. Based on the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance for the following reasons. The undersized lot makes the Property unique. The variance is necessary to enable reasonable use of the Property. The Applicant has a need for the proposed pole building. The difficulty was not created by the Applicant. The variance will not alter the essential character of the neighborhood. The variance sought is the minimum variance necessary 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 approved. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeffrey Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. 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 February 18, 2014.