

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: WILLIAM C. BOYLES

(Case No. 11366)

A hearing was held after due notice on April 21, 2014. 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 from the side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 1.8 feet from the required ten (10) feet side yard setback requirement. The Applicant has requested that the aforementioned requested variance be granted as it pertains to a certain real property located east of Road 351 (Clubhouse Road) southeast of Naomi Drive 200 feet southwest of Jackie Drive and being Lot 20 Block G Section 4 in White's Creek Manor Subdivision; said property being identified as Sussex County Tax Map Parcel Number 1-34-12.00-1473.00. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
2. William Boyles was sworn in to testify on behalf of the Application and Manaen Robinson, Esquire, presented the case to the Board on behalf of the Applicant.
3. The Board found that Mr. Robinson stated that the Applicant purchased the Property on December 12, 2013, and that the survey completed for settlement showed the encroachment into the side yard setback area.
4. The Board found that Mr. Robinson stated that the Applicant seeks the variance to allow the dwelling and shower to remain in their current locations.
5. The Board found that Mr. Robinson stated that the outside shower and a portion of the dwelling would have to be removed in order to comply with the setback requirements.
6. The Board found that Mr. Robinson stated that the variance is necessary to enable reasonable use of the Property.
7. The Board found that Mr. Robinson stated that the difficulty was not created by the Applicant and that the setback violations were in place when the Applicant purchased the Property.
8. The Board found that Mr. Robinson stated that the dwelling and shower were constructed in 1982.
9. The Board found that Mr. Robinson stated that the variance does not alter the character of the neighborhood.
10. The Board found that Mr. Robinson stated that the use does not impair the uses of neighboring properties.
11. The Board found that Mr. Robinson stated that variance requested is the minimum variance to afford relief.
12. The Board found that Mr. Boyles, under oath, confirmed the statements made by Mr. Robinson.
13. The Board found that no parties appeared in support of or in opposition to the Application.
14. Based on the findings above and the testimony and evidence 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 shape. The variance is necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. The variance will not alter the

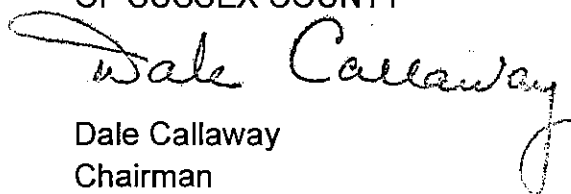
essential character of the neighborhood. The variance is not detrimental to the public welfare. The variance sought is the minimum variance necessary to afford relief.

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. Jeff 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 May 6, 2014