

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: BRIAN & JENNIFER MARCOZZI

Case No. 10871 – 2011

A hearing was held after due notice on October 3, 2011. The Board members present were: Mr. Dale Callaway, Mr. Ronald McCabe, Mr. John Mills, Mr. Brent Workman, and Mr. Jeff Hudson.

Nature of the Proceedings

This is an application for a variance from the front yard and side yard setback requirements.

Finding of Facts

The Board found that the Applicant was seeking a variance from front yard and side yard setback requirements north of Road 341 (Falling Point Road), north of West Lagoon Road, Lot 63, Dogwood Acres. The Applicant was requesting a 9.6' variance from the required 30' front yard setback, a 4.6' variance from the required 10' side yard setback, and a 1.4' variance from the required 10' side yard setback for a proposed manufactured home. After a hearing, the Board made the following findings of fact:


1. The Applicant's lot is only 50'x100', and the proposed dwelling unit will measure 24'x36', the smallest dwelling available.
2. Due to the size and location of the required septic system, the Applicant cannot locate the dwelling within setbacks.
3. There are numerous other variances in the neighborhood, which is comprised of small lots with older dwellings.
4. The Board determined that the Application met the standards for granting a variance. The property was unique in terms of its size and the difficulty was created in trying to place a modest dwelling on a lot, a good portion of which had to be dedicated to a septic system. The variance is necessary to enable reasonable use of the property, and clearly will not alter the essential character of the neighborhood in light of numerous previous encroachments, both permitted and nonconforming, as well as mobile homes and modulars.
5. No persons appeared in opposition.

The Board granted the requested variances.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board members voting in favor were: Mr. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman, and Mr. Hudson; voting against – none.

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 November 22, 2011.