

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DONALD A. DZEDZY AND MARGARET DZEDZY (Case No. 10922)

A hearing was held after due notice on January 9, 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 variance of the front yard setback requirement.

Findings of Fact

The Board found that the Applicants were seeking a variance of 8.2 feet from the 30 foot front yard setback requirement for a proposed dwelling. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located west of Road 348 (Irons Lane) northwest of Seagrass Court with the access thru streets of Seagrass Plantation; said property being identified as Sussex County Tax Map Parcel Number 1-34-7.00-97.00. After a hearing, the Board made the following findings of fact:

1. Mark Hart and Frank Miranda testified on behalf of the Applicants. They are the builders of the proposed dwelling.
2. The Applicants originally obtained a variance from the front yard and side yard setback requirements for this Property in 2008.
3. Since obtaining initial approval for a variance, the Applicants have installed a septic system and improved a bulkhead located on the Property.
4. The Applicants did not realize that the original approved variance expired after one (1) year.
5. The Property cannot otherwise be developed due to the location of the septic system.
6. The existing dwelling on the Property is non-conforming and was not placed on the Property by the Applicants.
7. The proposed dwelling is designed to serve as the Applicants' retirement home with most of living areas to be located on the first floor of the dwelling.
8. The proposed dwelling is similar to other units in the development and there have been other similar variances granted in the neighborhood.
9. The size of the proposed variance is less than the size of the variance proposed in 2008.
10. The Applicants learned of the need for a new variance when they applied for a building permit in November 2011.
11. No persons appeared in opposition to or in favor of the Application.
12. Based on the findings above and the testimony presented at the public hearing, the Board determined that the application met the standards for granting a variance. The difficulty was not caused by the Applicants. The Property was unique due to the circumstances. There is no possibility the Property could be developed in strict conformity with the Sussex County zoning ordinances. The variance is necessary for the reasonable use of the Property. The variance would not alter the character of the neighborhood.

The Board granted 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 granted. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman

Rickard, and Mr. Brent Workman. No Members of the Board voted in opposition to 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.

Revised Date February 9, 2012.