

## BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

### IN RE: STEPHEN W. YARMOLA (Case No. 10950)

A hearing was held after due notice on March 19, 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 wetlands setback requirement.

#### Findings of Fact

The Board found that the Applicant was seeking a variance of 8 feet from the 20 foot wetlands setback requirement for an existing detached garage. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located east of Route 24 (John J. Williams Highway) west of White Pine Drive, being Lot 74 within Pines at Long Neck development; said property being identified as Sussex County Tax Map Parcel Number 2-34-23.00-783.00. After a hearing, the Board made the following findings of fact:

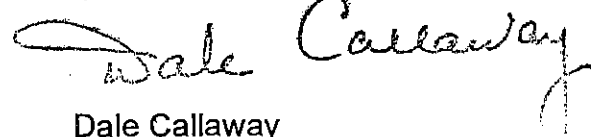
1. William Schab, Esquire, presented the Application on behalf of the Applicant.
2. The Board found that Stephen Yarmola testified that he recently purchased the Property and an encroachment into the setback requirement was discovered in a survey for the settlement. Mr. Yarmola testified that an original survey completed in 2000 showed the existing garage to be in compliance with setback requirements but the previous owner added on to the existing garage without obtaining a Certificate of Compliance for the addition.
3. The Board found that the Property is adjacent to wetlands and requires a 20 foot setback requirement.
4. The Board found that the Applicant testified that he purchased the Property for the garage but the garage would have to be torn down to comply with the setback requirement.
5. The Board found that the Applicant testified that the Property is unique in shape as the rear of the Property is narrower than the front of the lot.
6. The Board found that the Applicant testified that the Homeowner's Association for his community supports the Application and neighbors have no objection to the Application.
7. The Board found that the Applicant submitted a picture and a letter from his attorney to the public record.
8. The Board found that no parties appeared in opposition to the Application.
9. The Board found that one party appeared in support of the Application.
10. 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 due to its odd shape and the location of the wetlands. The variance will enable reasonable use of the Property. The variance will not alter the essential character of the neighborhood and is the minimum variance to afford relief. The need for the variance was not created by the Applicant.

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 Member voted against the Application.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY

A handwritten signature in cursive script that reads "Dale Callaway". The signature is written in dark ink and is positioned to the right of the printed name.

Dale Callaway  
Chairman

If the use is not established within one (1)  
year from the date below the application  
becomes void.

Date April 17, 2012