

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: RALPH A. PINI, JR. (Case No. 10961)

A hearing was held after due notice on April 16, 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 from the wetlands setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 6 feet from the 20 foot wetlands setback requirement for an existing shed. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located east of John J. Williams Highway west of White Pine Drive, being Lot 69 Phase II within Pines at Long Neck development; said property being identified as Sussex County Tax Map Parcel Number 2-34-23.00-778.00. After a hearing, the Board made the following findings of fact:

1. Ralph Pini, Jr., and Christine Pini appeared at the hearing to testify on behalf of the Application
2. The Board found that the Applicants testified that they placed the shed on the lot twelve (12) years ago without a building permit but they obtained permits for a porch and deck built at the same time.
3. The Board found that the Applicants testified that the shed cannot be moved into compliance due to the location of the dwelling and existing trees and that the shed is placed on blocks.
4. The Board found that the Applicants testified that there are other sheds in the development closer to the wetlands.
5. The Board found that the Applicants testified that the Homeowners Association supports the Application.
6. The Board found that the Applicants testified that they learned of the encroachment when they tried to sell the Property.
7. The Board found that the Applicants testified that they were unaware of the proximity to the wetlands and the Property would have otherwise been in compliance.
8. The Board found that the Applicants testified that the shed is the only storage they have for their lawnmower.
9. The Board found that no parties appeared in opposition to or in support of the Application.
10. The Board found that the Planning & Zoning Department received one (1) letter in support of the Application.
11. 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 because it is close to wetlands and is narrow. The variance is necessary to enable reasonable use of the Property. The variance will not alter the essential character of the neighborhood as there are other similar structures in the neighborhood. The variance is the minimum variance to afford relief. The need for the variance was not created by the Applicant as the Applicant relied on a trusted contractor.
12. The variance approval was conditioned on the stipulation that the shed shall not be placed on a concrete slab or permanent foundation.

The Board granted the variance application with the stipulation that the shed will not be placed on a concrete slab or permanent foundation finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the application was granted with the stipulation that the shed will not be placed on a concrete slab or permanent foundation. 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


Dale Callaway
Chairman

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

Date May 8, 2012.