

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ANTHONY J. RYDZEWSKI (Case No. 10963)

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 variances of the front yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 1.8 feet from the required 10 foot side yard setback requirement for a proposed dwelling, a 4.1 foot variance from the required 5 foot side yard setback requirement and a 26.1 foot variance from the required 30 foot front yard setback requirement for an existing shed. The Applicant has requested that the aforementioned requested variances be granted as it pertains to certain real property located east of Road 297 (Oak Orchard Road) southeast of Mercer Avenue, being Lot 16 within Charles C. Fagan and Delaware Oyster Farms development; said property being identified as Sussex County Tax Map Parcel Number 2-34-35.05-139.00. After a hearing, the Board made the following findings of fact:

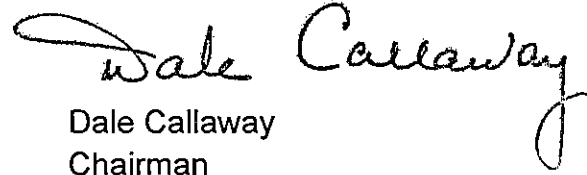
1. Anthony J. Rydzewski appeared at the hearing and testified on behalf of the Application.
2. The Board found that the Applicant testified that an existing shed is on the Property is non-conforming but its existence predates the Sussex County Zoning Code.
3. The Board found that the Applicant testified that he purchased the lot one (1) year ago.
4. The Board found that the Applicant testified that the lot is very narrow in size and is oddly shaped.
5. The Board found that the Applicant testified that the proposed one (1) story dwelling is desired for retirement age and will not meet the side yard setback requirement.
6. The Board found that the Applicant testified that the Applicant has tried to obtain a blueprint of a one (1) story dwelling that will fit into the lot's building envelope but the narrowness of the lot makes that extremely difficult.
7. The Board found that the Applicant testified that the request is the minimum variance to afford relief, that the variance will enable reasonable use of the Property, that it will not alter the character of the neighborhood, and that he understands if he ever replaced the shed it must meet required setback requirements.
8. The Board found that four (4) parties appeared in support of the Application.
9. The Board found that no parties appeared in opposition to 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 because it is narrow. The variance is necessary to 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


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