

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MICHAEL DEFILLIPPIS AND BETSY DEFILLIPPIS (Case No. 11023)

A hearing was held after due notice on August 6, 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 Applicants were seeking a variance of 6 feet from the 30 foot front yard setback requirement for an existing dwelling and a variance of 0.6 feet from the required 10 foot side yard setback requirement for an existing screen porch. The Applicants have requested that the aforementioned requested variances be granted as it pertains to certain real property located south of Road 277 (Angola Road) west of Dogwood Drive, being Lot 10 Block K Section 2 within Angola by the Bay development; said property being identified as Sussex County Tax Map Parcel Number 2-34-12.13-47.00. After a hearing, the Board made the following findings of fact:


1. Michael DeFillippis and Betsy DeFillippis were present and sworn in to testify about the Application.
2. The Board found that Besty DeFillippis testified that the dwelling was built in 1970 and that the Applicants purchased the Property in 1990.
3. The Board found that Besty DeFillippis testified that that the Property is irregular in shape.
4. The Board found that Besty DeFillippis testified that there have been multiple variances granted in the development.
5. The Board found that Besty DeFillippis testified that the dwelling and screen porch existed when they purchased the Property.
6. The Board found that Besty DeFillippis testified that the difficulty was not created by the Applicants.
7. The Board found that Besty DeFillippis testified that they are selling the house and the encroachment has held up the sale of the Property.
8. The Board found that Besty DeFillippis testified that the variance will enable reasonable use of the Property.
9. The Board found that Besty DeFillippis testified that a survey completed for settlement showed the encroachments.
10. The Board found that Besty DeFillippis testified that it will not alter the character of the neighborhood.
11. The Board found that Besty DeFillippis testified that the variance is the least modification of the regulation in issue.
12. The Board found that Besty DeFillippis testified that it is the minimum variance to afford relief.
13. The Board found that two parties appeared in support of the Application.
14. The Board found that no parties appeared in opposition to the Application.
15. 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 the house was not built parallel to the property lines. The variances will enable reasonable use of the Property. The difficulty was not created by the Applicants. The variances will not alter the essential character of the neighborhood. The requested variances are the minimum variances needed to afford relief.

The Board approved 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 approved. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Norman Rickard. No Member voted against the Motion to Approve 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 September 11, 2012