

## **BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

### **IN RE: PAUL M. PENNACHI AND CYNTHIA M. PENNACHI (Case No. 11062)**

A hearing was held after due notice on October 1, 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 corner side yard setback requirements.

#### **Findings of Fact**

The Board found that the Applicants were seeking a variance of 0.5 feet from the required 30 foot front yard setback requirement, a variance of 2.9 feet from the 15 foot corner side yard setback requirement for a proposed dwelling on an existing foundation and a variance of 8.7 feet from the 15 foot side yard setback requirement for a porch. The Applicants have requested that the aforementioned requested variances be granted as it pertains to certain real property located north of Route 16 (Broadkill Road) southeast corner of Bayshore Drive and Georgia Avenue, being Lot 14 Block G within Broadkill Beach development; said property being identified as Sussex County Tax Map Parcel Number 2-35-3.16-74.00. After a hearing, the Board made the following findings of fact:

1. Cynthia Pennachi and Paul Pennachi were sworn in and testified on behalf of the Application.
2. The Board found that Ms. Pennachi testified that the Property measures 50 feet x 100 feet and that the setback requirements eliminate the use of one-half the Property.
3. The Board found that Ms. Pennachi testified that the Applicants removed the prior dwelling because it could not be salvaged.
4. The Board found that Ms. Pennachi testified that the existing foundation was not altered.
5. The Board found that Ms. Pennachi testified that the proposed dwelling will be constructed on the existing foundation.
6. The Board found that Ms. Pennachi testified that the difficulty was not created by the Applicants.
7. The Board found that Ms. Pennachi testified that the variances will not alter the character of the neighborhood.
8. The Board found that Ms. Pennachi testified that the variances represent the least modifications possible.
9. The Board found that Ms. Pennachi testified that a variance was granted for the previous dwelling.
10. The Board found that Ms. Pennachi testified that the Applicants plan to extend the existing porch.
11. The Board found that Ms. Pennachi testified that the Applicants purchased the Property in 2010.
12. The Board found that Ms. Pennachi testified that the proposed deck will meet the setback requirements.
13. The Board found that Mr. Pennachi testified that the Applicants intend to rebuild the entire house except for the foundation and the porch.
14. The Board found that no parties appeared in support of or 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

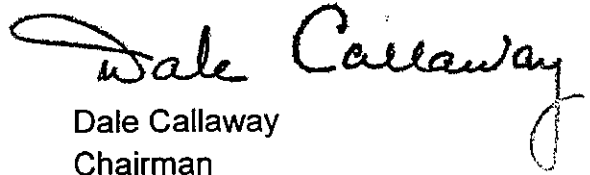
standards for granting a variance. The Property is unique in size and the circumstances are unique because the existing dwelling could not be repaired. The difficulty was not created by the Applicants. The variances will enable reasonable use of the Property. The variances, if granted will not alter the essential character of the neighborhood as the house has been on the Property a long time. The variances sought are the minimum variances necessary 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 November 7, 2012