

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MADON CHURCH, LLC, WILLIAM DINARDO, &

SHEILA DINARDO (Case No. 11082)

A hearing was held after due notice on November 5, 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 side yard and rear yard setback requirements.

Findings of Fact

The Board found that the Applicants were seeking a variance of 5.45 feet from the 10 foot side yard setback requirement for a proposed deck and a variance of 2.8 feet from the 10 foot rear yard setback requirement for a proposed set of steps. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property located north of Route 54 (Lighthouse Road) east of Swann Drive, being Lot 58 within Swann Keys development; said property being identified as Sussex County Tax Map Parcel Number 5-33-13.13-13.00. After a hearing, the Board made the following findings of fact:

1. Sheila Dinardo was sworn in and testified on behalf of the Application.
2. James Fuqua, Esquire, appeared and presented the Application on behalf of the Applicants.
3. The Board found that Mr. Fuqua submitted to the Board a packet of exhibits in support of the Application.
4. The Board found that Mr. Fuqua stated that the Applicants have an agreement to purchase the Property, which is located in the Swann Keys development.
5. The Board found that Mr. Fuqua stated that the lot is unique due to the shape and the location of a cul-de-sac.
6. The Board found that Mr. Fuqua stated that the lot is 50 feet deep at the North boundary and 60 feet deep at the South boundary.
7. The Board found that Mr. Fuqua stated that the rear boundary of the Property runs at an angle.
8. The Board found that Mr. Fuqua stated that the narrow lot is 40 feet wide at its widest point.
9. The Board found that Mr. Fuqua stated that 54 square feet of the proposed deck will meet the required setback requirement and that 35 square feet of the proposed deck will meet the required setback requirement.
10. The Board found that Mr. Fuqua stated that there are four (4) other lots on the cul-de-sac and each of those lots have been granted variances.
11. The Board found that Mr. Fuqua stated that the proposed deck and steps will provide reasonable use of the Property.
12. The Board found that Mr. Fuqua stated that the difficulty was not created by the Applicants.
13. The Board found that Mr. Fuqua stated that the proposed variances will not alter the essential character of the neighborhood.
14. The Board found that Mr. Fuqua stated that the rear yard borders the lagoon.
15. The Board found that Mr. Fuqua stated that the variances sought are the minimum variances to afford relief.
16. The Board found that Sheila Dinardo, under oath, confirmed the statements by Mr. Fuqua.

17. The Board found that one (1) party appeared in support of the Application.
18. The Board found that no parties appeared in opposition to the Application.
19. 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 shape due to the cul-de-sac and the angle rear property line. The variances will enable reasonable use of the Property. The variances will not alter the essential character of the neighborhood. 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, Mr. Norman Rickard, and Mr. Brent Workman. 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 December 11, 2012.