

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**  
**IN RE: BOB CULOTTA-NORTON & MARGO CULOTTA-NORTON**  
**(Case No. 11154)**

A hearing was held after due notice on February 4, 2013. 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 from the rear yard and side yard setback requirements.

**Findings of Fact**

The Board found that the Applicants were seeking a variance of 1.6 feet from the 10 foot side yard setback requirement for an existing second floor deck, a variance of 1 foot from the 10 foot side yard setback requirement for an existing dwelling and screen porch, and a variance of 15 feet from the 20 foot rear yard setback requirement for an existing second floor deck. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property located north of Road 342A (Sussex Road) north of Dover Road, being Lot 9, Section A within Indian River Acres development; said property being identified as Sussex County Tax Map Parcel Number 1-34-7.00-9.00. After a hearing, the Board made the following findings of fact:

1. Greg Hastings was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Hastings testified that the Applicant plans to renovate the existing structure which is a non-conforming dwelling.
3. The Board found that Mr. Hastings testified that, since the renovations will exceed 50% of the value of the dwelling, FEMA requires that the existing structure be raised two feet to comply with FEMA regulations and to meet the flood zone requirements.
4. The Board found that Mr. Hastings testified that the non-conforming dwelling and FEMA regulations create a unique situation.
5. The Board found that Mr. Hastings testified that the footprint of the existing structure will remain the same.
6. The Board found that Mr. Hastings testified that the variances will enable reasonable use of the Property.
7. The Board found that Mr. Hastings testified that the difficulty was not created by the Applicants.
8. The Board found that Mr. Hastings testified that the variances will not alter the essential character of the neighborhood.
9. The Board found that Mr. Hastings testified that the variances are the minimum variances necessary to afford relief.
10. The Board found that Mr. Hastings testified that the variances will not be detrimental to public welfare.
11. The Board found that Mr. Hastings testified that the variances represent the least modification of the regulations at issue.
12. The Board found that Mr. Hastings testified that the dwelling was constructed over fifty (50) years ago.
13. The Board found that Mr. Hastings testified that the Applicants inherited the Property.
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 FEMA regulations and non-conforming dwelling creates uniqueness. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. The variances will not alter the essential character of the neighborhood. The variances sought are the minimum variances necessary to afford relief. The variances will not be detrimental to the public welfare

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 March 19, 2013