

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: GLORIA PIA

(Case No. 11160)

A hearing was held after due notice on February 18, 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 side yard and rear yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 5.8 feet from the 10 feet side yard setback requirement for a proposed dwelling, cantilevered second floor stairs, fireplace & chimney and a variance of 4.8 feet from the 20 feet rear yard setback requirement for a proposed dwelling. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located south of Route 54 (Lighthouse Road) east of Roosevelt Avenue, being Lot 21, Block 7 within Cape Windsor development; said property being identified as Sussex County Tax Map Parcel Number 5-33-20.18-14.00. After a hearing, the Board made the following findings of fact:

1. Richard Pia was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Pia testified that the Property is located within the Cape Windsor development.
3. The Board found that Mr. Pia testified that the Applicant has experienced problems with parking in the neighborhood.
4. The Board found that Mr. Pia testified that he plans to replace the existing single floor manufactured home with a two (2) story dwelling.
5. The Board found that Mr. Pia testified that the location of the proposed dwelling will be the same distance from the side yard property line as the existing manufactured home.
6. The Board found that Mr. Pia testified that other homes in the development are five (5) feet from the side yard property line.
7. The Board found that Mr. Pia testified that the proposed dwelling design will allow for parking three (3) to four (4) cars on the lot.
8. The Board found that Mr. Pia testified that the Applicant's family is getting larger and more room is needed.
9. The Board found that Mr. Pia testified that the variances will not alter the character of the neighborhood.
10. The Board found that Mr. Pia testified that the second floor of the dwelling will be the main living area.
11. The Board found that Mr. Pia testified that the proposed dwelling will be located 15.2 feet from the bulkhead in the rear yard.
12. The Board found that Mr. Pia testified that the variances needed are the minimum variances to afford relief.
13. The Board found that Mr. Pia submitted aerial pictures of the Property to the Board.
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 only fifty (50) feet wide which makes it unique. 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 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