

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DOMINICK J. BAFFONE, III

(Case No. 11196)

A hearing was held after due notice on April 15, 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 front yard, side yard and rear yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 6.7 feet from the 30 feet front yard setback requirement, a variance of 5.3 feet from the 15 feet side yard setback requirement, a variance of 1.5 feet from the 10 feet rear yard setback requirement, and a variance of 4 feet from the 10 feet side yard setback requirement for proposed second level decks and stairs. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located west of Route One, north of Hassell Avenue and west of Alda Lane Ext., within Bayview Park Subdivision (Lot 48); said property being identified as Sussex County Tax Map Parcel Number 1-34-20.11-12.00. After a hearing, the Board made the following findings of fact:

1. Dominick Baffone, III and Brenda Jones were sworn in to testify about the Application.
2. The Board found that the Office of Planning & Zoning received three (3) letters in opposition to the Application.
3. The Board found that Mr. Baffone testified that the Property is located in the Bayview Park development.
4. The Board found that Mr. Baffone testified that the Homeowners Association declined to take a position on his proposed plan.
5. The Board found that Mr. Baffone testified that the lot is irregular shaped and that the lot is smaller than most lots in the development.
6. The Board found that Mr. Baffone testified that the proposed decking will allow the Applicant to enjoy the outdoors.
7. The Board found that Mr. Baffone testified that the dwelling was built in the 1970s.
8. The Board found that Mr. Baffone testified that Hurricane "Sandy" caused significant damage to the existing dwelling.
9. The Board found that Mr. Baffone testified that he is not expanding the existing footprint of the dwelling.
10. The Board found that Ms. Jones testified that she is a designer.
11. The Board found that Ms. Jones testified that all proposed additional space is exterior space only and will not be enclosed.
12. The Board found that Ms. Jones testified that the Applicant wants usable outside space.
13. The Board found that Ms. Jones testified that the living space in the dwelling is all on the second floor.
14. The Board found that Mr. Baffone testified that an existing pitched roof on the sunroom will be removed as well as an existing porch.
15. The Board found that Mr. Baffone testified that the proposed deck will not be as high as the pitched roof.

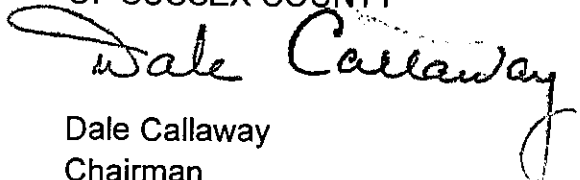
16. The Board found that Mr. Baffone testified that there are multiple decks throughout the development.
17. The Board found that Mr. Baffone testified that the majority of dwellings are two (2) and three (3) story dwellings.
18. The Board found that Mr. Baffone testified that his neighbor owns a four (4) story dwelling and that his immediate neighbor supports the Application.
19. The Board found that Ms. Jones testified that the pitched roof on the sunroom is to be replaced with a deck.
20. The Board found that Ms. Jones testified that the deck will not be as high as the roof.
21. The Board found that Ms. Jones testified that the porch will be removed.
22. The Board found that Mr. Baffone testified that the stairs on the existing structure will be replaced.
23. The Board found that Mr. Baffone testified that the decking will not obstruct views for traffic on the roads.
24. The Board found that Mr. Baffone testified that he plans to maintain a cottage feel.
25. The Board found that Mr. Baffone testified that the proposed decks will not alter the character of the neighborhood.
26. The Board found that Mr. Baffone submitted a sketch of proposed decks for the Board to review.
27. The Board found that no parties appeared in support of or in opposition to the Application.
28. 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 a corner lot, which creates a unique size and shape. The variances are necessary to enable reasonable use of the Property since the living space for the dwelling is all on the second floor. 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 May 21, 2013