

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JOHN SPARACINO (Case No. 11201)

A hearing was held after due notice on May 6, 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 a variance from the side yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of three (3) feet from the thirty (30) feet side yard setback requirement for a proposed sun porch. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located northeast of Road 261 (Sweet Briar Road) west of Vivid View Drive and south of Traffic Circle, being Lot 321 within the Villages of Red Mill Pond-North; said property being identified as Sussex County Tax Map Parcel Number 3-34-4.00-410.00. After a hearing, the Board made the following findings of fact:

1. John Sparacino was sworn in to testify about the Application.
2. The Board found that Mr. Sparacino testified the Planning & Zoning Department notified him the variance would not be necessary since the setback requirement for the porch is a fifteen (15) feet requirement and not a thirty (30) feet requirement and that he has attended the hearing to verify the variance is no longer necessary.
3. The Board found that Melissa Thibodeau of the Planning & Zoning Department stated that the setback requirement from the property line on Vivid View Drive to be fifteen (15) feet and not thirty (30) feet as previously determined and that Vivid View Drive is the corner side yard, not the front yard.
4. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application failed to meet the standards for granting a variance because the variance was not necessary. The Board recommended that the application fee be refunded to the Applicant.

The Board denied the variance application finding that it failed to meet the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the Application was denied. The Board Members voting to deny 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 Deny the Application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY

Dale Callaway
Chairman

Date June 18, 2013