

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DONALD DZEDZY & MARGARET DZEDZY

(Case No. 11207)

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 front yard setback requirement.

Findings of Fact

The Board found that the Applicants were seeking a variance of 8.9 feet from the thirty (30) feet front yard setback requirement for an existing stairway. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located northwest of Road 348 (Irons Lane) northwest of Seagrass Court with access thru Seagrass Plantation Lane and fronting on Indian River Bay; said property being identified as Sussex County Tax Map Parcel Number 1-34-7.00-97.00. After a hearing, the Board made the following findings of fact:

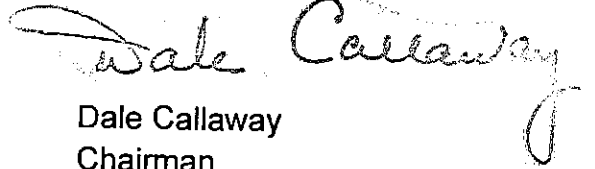
1. Donald Dzedzy was sworn in to testify about the Application.
2. The Board found that Mr. Dzedzy testified that he purchased the Property in 1997.
3. The Board found that Mr. Dzedzy testified that in 2008 he was granted front, side & rear yard variances.
4. The Board found that Mr. Dzedzy testified that he hired a new contractor after problems with his original contractor.
5. The Board found that Mr. Dzedzy testified that he obtained building permits in 2011 and then realized the variance approvals had expired.
6. The Board found that Mr. Dzedzy testified that in January 2012 he was approved once again for the variances.
7. The Board found that the previous dwelling was demolished in May 2012.
8. The Board found that Mr. Dzedzy testified that the 2012 variance approval allowed for an 8.2 feet front yard variance.
9. The Board found that Mr. Dzedzy testified that during settlement in March they discovered the stairs on the new dwelling encroach into the front yard setback area by 8.9 feet.
10. The Board found that Mr. Dzedzy testified that a temporary Certificate of Compliance has been issued on the dwelling.
11. The Board found that Mr. Dzedzy testified that rather than tear down the stairs, the Applicants are seeking an additional variance
12. The Board found that one (1) party appeared in support of the Application.
13. The Board found that no parties appeared in opposition to the Application.
14. 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 for the following reasons. The Property is unique. The variance is necessary to enable reasonable use of the Property. The need for the variance was not created by the Applicants. The variance will not alter the essential character of the neighborhood. The variance sought is the minimum variance 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 June 18, 2013