

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ANDREW K. PERUCHI

(Case No. 11249)

A hearing was held after due notice on August 19, 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 minimum lot width requirement for a parcel.

Findings of Fact

The Board found that the Applicant was seeking a variance of fifty (50) feet from the one hundred fifty (150) feet from the minimum lot width requirement for a parcel. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property north of Hollymount Road (Road 48) 250 feet west of Joseph Lane and across from Phillips Branch Road (Road 302) being Lot 7 within Angolaville development; said property being identified as Sussex County Tax Map Parcel Number 2-34-11.00-83.00. After a hearing, the Board made the following findings of fact:

1. Andrew Peruchi was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Peruchi submitted a copy of a survey of the Property to the Board.
3. The Board found that Mr. Peruchi testified that he acquired the Property in 2009.
4. The Board found that Mr. Peruchi testified that, prior to his purchase of the Property, a narrow strip of land shown on a survey was combined with Lot 7 in Angolaville.
5. The Board found that Mr. Peruchi testified that the original deed showed two (2) separate lots.
6. The Board found that Mr. Peruchi testified that he seeks to re-subdivide the two (2) parcels into separate lots.
7. The Board found that Mr. Peruchi testified that the parcel the Applicant seeks to subdivide from Lot 7 measures 100 feet wide by 793 feet deep.
8. The Board found that Mr. Peruchi testified that the parcel is unique in size.
9. The Board found that Mr. Peruchi testified that the existing dwelling will meet setback requirements and that any structures constructed on the proposed parcel will meet required setback requirements.
10. The Board found that Mr. Peruchi testified that the variance will enable reasonable use of the properties.
11. The Board found that Mr. Peruchi testified that the proposed parcel cannot otherwise be developed in strict conformity with the Sussex County Zoning Code.
12. The Board found that Mr. Peruchi testified that the difficulty was not created by the Applicant.
13. The Board found that Mr. Peruchi testified that the proposed variance will not alter the character of the neighborhood.
14. The Board found that Mr. Peruchi testified that the proposed variance will not adversely affect adjacent properties because any dwelling would be constructed within the proper setback requirements.
15. The Board found that Mr. Peruchi testified that the proposed variance will not be detrimental to the public welfare.

16. The Board found that Mr. Peruchi testified that the proposed variance is the least modification of the regulation at issue.
17. The Board found that Mr. Peruchi testified that the variance sought is the minimum variance necessary to afford relief.
18. The Board found that Mr. Peruchi testified that the proposed parcel was used by his grandfather for a garden and was purchased in 2000.
19. The Board found that Mr. Peruchi testified that the dwelling on Lot 7 was constructed in 1972 and that no structures or additions have been added to Lot 7 since the additional land was acquired and combined with Lot 7.
20. The Board found that Mr. Peruchi testified that there are no structures on the proposed lot.
21. The Board found that no parties appeared in support of or in opposition to the Application.
22. 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 lot is unique because it is long and narrow in size. Lot 7 was joined together with another parcel even though Lot 7 is part of a development and the other parcel is not. The 100 feet parcel was never intended to be part of Lot 7. The Property cannot be developed in strict conformity with the Sussex County Zoning Code. The difficulty was not created by the Applicant. 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 October 8, 2013.