

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: NICOLE SARTORI & LOUIS SARTORI**

**(Case No. 11271)**

A hearing was held after due notice on September 23, 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 rear yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicants were seeking a variance of 2.1 feet from the five (5) feet rear yard setback requirement and a variance of 2.2 feet from the five (5) feet side yard setback requirement for an existing shed. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property northwest of Road 270 (Wolfe Neck Road) 1,100 feet northeast of Route One near Midway; said property being identified as Sussex County Tax Map Parcel Number 3-34-6.00-349.01. After a hearing, the Board made the following findings of fact:

1. Louis Sartori was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Sartori testified that he placed the shed on the Property without a building permit but, that once he discovered a building permit was required, he obtained one right away.
3. The Board found that Mr. Sartori testified that when he obtained the building permit he realized the shed did not meet the required setbacks.
4. The Board found that Mr. Sartori testified that there is a large maple tree in the center of his backyard that prohibits the shed from complying with the required setbacks and that he does not want to cut down the tree.
5. The Board found that Mr. Sartori testified that the tree was on the Property prior to the house being built.
6. The Board found that Mr. Sartori testified that there was a previous shed on the Property in the same location and that the previous shed measured ten (10) feet by twelve (12) feet.
7. The Board found that Mr. Sartori testified that his neighbors sheds all seem to be set close to the property lines also.
8. The Board found that Mr. Sartori testified that he has no storage space in the house and that he cannot put anything of value under the house.
9. The Board found that Mr. Sartori testified that the Property is narrow and has a small backyard.
10. The Board found that Mr. Sartori testified that the variances will enable reasonable use of the Property and that the variances will not alter the character of the neighborhood.
11. The Board found that Mr. Sartori testified that the variances requested are the minimum variances to afford relief.
12. The Board found that no parties appeared in support of or in opposition to the Application
13. 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 small yard and existing tree makes the Property unique. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicants. The variances will not

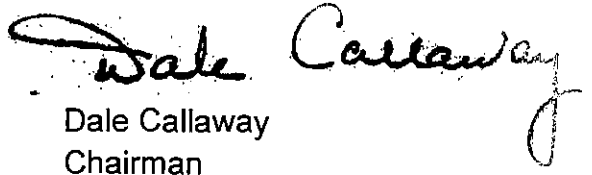
alter the essential character of the neighborhood. The variances sought are the minimum variances necessary to afford relief.

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 November 5, 2013