

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MICHAEL ZORZI

(Case No. 11277)

A hearing was held after due notice on October 21, 2013. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, 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 Applicant was seeking a variance of seven (7) feet from the thirty (30) feet front yard setback requirement for a proposed set of second floor stairs. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property east of Road 273A (Bald Eagle Road) located at the southwest corner of Crazy Lane and 4th Street and being Lots C-1 to C-4 within Bay Vista development; said property being identified as Sussex County Tax Map Parcel Number 3-34-19.16-115.00. After a hearing, the Board made the following findings of fact:

1. Michael Zorzi and Elizabeth Zorzi were sworn in to testify on behalf of the Application.
2. The Board found that Mr. Zorzi testified that the proposed variance will have a minimal impact.
3. The Board found that Mr. Zorzi testified that the lot is an irregularly shaped lot and that the Property is located on a canal.
4. The Board found that Mr. Zorzi testified that the previous dwelling was fifty (50) years old.
5. The Board found that Mr. Zorzi testified that the proposed dwelling is within the character of the neighborhood and will mimic a neighboring house in size and shape.
6. The Board found that Mr. Zorzi testified that the architect tried numerous designs to build the dwelling in compliance with the Sussex County Zoning Code.
7. The Board found that Mr. Zorzi testified that the landing between the first and second floors is what will encroach.
8. The Board found that Mr. Zorzi testified that, due to the odd shape of the lot and the setback requirements, the Property is unique.
9. The Board found that Mr. Zorzi testified that the Property cannot otherwise be developed.
10. The Board found that Mr. Zorzi testified that the variance will enable reasonable use of the Property.
11. The Board found that Mr. Zorzi testified that the difficulty was not created by the Applicant.
12. The Board found that Mr. Zorzi testified that the variance will not alter the character of the neighborhood.
13. The Board found that Mr. Zorzi testified that the variance will not be detrimental to the public welfare and will not impair the uses of neighboring properties.
14. The Board found that Mr. Zorzi testified that the variance requested is the minimum variance to afford relief.
15. The Board found that Mr. Zorzi testified that the soil scientist had a specific plan as to how the dwelling must be placed on the Property.

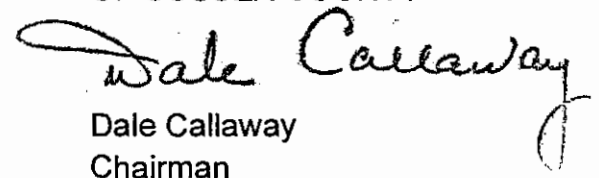
16. The Board found that Mr. Zorzi testified that there is a bulkhead in the rear of the Property.
17. The Board found that Mr. Zorzi testified that the rear deck was designed to comply with the rear yard setback requirement.
18. The Board found that no parties appeared in support of or in opposition to the Application.
19. 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 physical conditions of the Property and the building restriction lines create a unique situation. The Property cannot otherwise be developed. The difficulty was not created by the Applicant. The variance will not alter the essential character of the neighborhood. The variance will enhance the neighborhood. The variance sought is the minimum variance 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, 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 December 10, 2013