

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: VINCENT JAMES GENCO, III

(Case No. 11313)

A hearing was held after due notice on January 6, 2014. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Norman Rickard.

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 five (5) feet from the ten (10) feet side yard setback requirement for a proposed dwelling. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Route 54 (Lighthouse Road) and being west of Canvasback Road 880 feet north of Swann Drive and also being Lot 90 Block D of Swann Keys Subdivision; said property being identified as Sussex County Tax Map Parcel Number 5-33-12.16-333.00. After a hearing, the Board made the following findings of fact:

1. Vincent Genco and Donald Esch were sworn in to testify on behalf of the Application.
2. The Board found that Mr. Esch testified that the existing unit is a travel trailer in Swann Keys which is over thirty (30) years old and that the Applicant seeks to place a new structure on the Property.
3. The Board found that Mr. Esch testified that the Property is unique because it is narrow and only allows for a twenty (20) feet wide structure.
4. The Board found that Mr. Esch testified that the proposed dwelling will measure twenty-four (24) feet by forty-five (45) feet.
5. The Board found that Mr. Esch testified that the Applicant plans to live on the Property after retirement and that having first floor living space is important. As such, the variance will enable reasonable use of the Property.
6. The Board found that Mr. Esch testified that the difficulty was not created by the Applicant.
7. The Board found that Mr. Esch testified that the variance will not alter the character of the neighborhood.
8. The Board found that Mr. Esch testified that the existing dwelling is less attractive than others in Swann Keys and the proposed dwelling is more consistent with other dwellings in the neighborhood.
9. The Board found that Mr. Esch testified that similar variances have been granted in the development and that the variance will not be detrimental to public welfare.
10. The Board found that Mr. Esch testified that the variance requested is the minimum variance to afford relief.
11. The Board found that Mr. Esch testified that the HVAC unit will be placed on the north side of the Property and within the setback requirements.
12. The Board found that Mr. Esch testified that there will be no other structures encroaching on the Property.
13. The Board found that one (1) party appeared in support of the Application.
14. The Board found that no parties appeared in opposition to the Application.
15. 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 Property is unique. The Property cannot

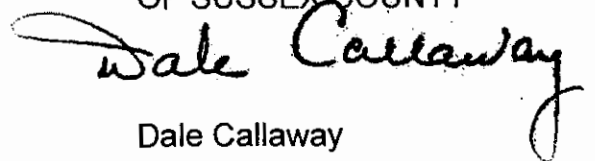
otherwise be developed in strict conformity with the Sussex County Zoning Code. The difficulty was not created by the Applicant. The variance will not alter the essential character of the neighborhood. The variance sought is the minimum variance necessary to afford relief.

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, and Mr. Norman Rickard. 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 February 18, 2014