

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JAMES A. & VIOLET J. JOHNSON

Case No. 10872 – 2011

A hearing was held after due notice on October 3, 2011. The Board members present were: Mr. Dale Callaway, Mr. Ronald McCabe, Mr. John Mills, Mr. Brent Workman, and Mr. Jeff Hudson.

Nature of the Proceedings

This is an application for a variance from the side yard setback requirement.

Finding of Facts

The Board found that the Applicant was seeking a variance from side yard setback requirements north of Route 54, east of Canvasback Road, Lot 44, Swann Keys. The Applicant was requesting a 5' variance from the required 10' side yard setback for a proposed manufactured home. After a hearing, the Board made the following findings of fact:

1. The Applicant wishes to upgrade and replace an existing single-wide mobile home with a double-wide manufactured home measuring 24'x66'.
2. There are numerous variances in the area, since lots are small making improvements difficult to achieve. The Applicant's lot is only 40' wide, with a 20' building envelope.
3. Joanne Ferguson, the next door neighbor, testified in opposition. Although she had obtained a variance for her own dwelling, she was required to make alterations to the deck, and was also concerned with other structures which might be planned for the property.
4. In rebuttal, the Applicant pointed out that the Ferguson deck did not comply with the initial variance granted to her by the Board and had to be altered in order to comply with the variance. The Applicant also indicated that all other structures on the lot would be removed.
5. The Board determined that the Application met the standards for granting a variance. Lots in Swann Keys are extremely small, making it difficult to improve properties. As a result, numerous variances have been granted over the years, and as such this application will not alter the essential character of the neighborhood. The variance is necessary to enable reasonable use of the property, and since the Applicant limited the requested variance to just one side, the request was the minimum necessary to afford relief.

The Board granted the requested variance.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board members voting in favor were: Mr. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman, and Mr. Hudson; voting against – none.

**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 22, 2011.