

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DAWN A. SCHUTT (Case No. 10901)

A hearing was held after due notice on December 12, 2011. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. Ronald McCabe, Mr. John Mills, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for special use exception to replace a mobile home and for variances of the front yard, rear yard, and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to replace a mobile home and a variance of 34 feet from the 40 foot front yard setback requirement for a proposed manufactured home and existing screen porch and deck, a 6.8 foot variance from the required 10 foot rear yard setback requirement for a proposed manufactured home, a 6.4 foot variance from the required side yard setback requirement for a proposed manufactured home, a 3.6 foot variance from the required 5 foot side yard setback for steps and a landing, and a 7.5 foot variance from the required 10 foot side yard setback requirement for an existing pump house. The Applicant has requested that the aforementioned requested special use exception and variances be granted as it pertains to certain real property located north of Road 312 (River Road) west of Road 311 (Chief Road); said property being identified as Sussex County Tax Map Parcel Number 2-34-34.11-23.00. After a hearing, the Board made the following findings of fact:

1. Dawn Schutt and Gil Fleming testified on behalf of the Applicant.
2. The Board found that the Property has an existing mobile home which is over twenty two (22) years old and is in disrepair. The cost of repairing the existing home is not economically feasible.
3. The Board found that the Applicant intends to remove from the Property the existing mobile home and replace it with a proposed manufactured home that is the same length as the current mobile home but is two feet (2') wider.
4. The Board found that the Applicant presented sufficient testimony that the proposed manufactured home is at or near the minimum size of a manufactured home that would enable the Applicant to reasonably use the Property.
5. The Board found that the lot is small and triangular.
6. The Board found that the lot was sold to the Applicant by her parents.
7. No persons appeared in opposition to the Application.
8. Three persons appeared in favor of the Application.
9. Based on the findings above and the testimony presented at the public hearing, the Board determined that the application met the standards for granting a variance. The difficulty was not caused by the Applicant because the condition of the home is such that it is not economically feasible to repair it. The Property was unique due to the triangular shape and its small size. The Property could not be developed in strict conformity with the Sussex County zoning ordinances. The variance is necessary for the reasonable use of the Property and is the minimum relief necessary to afford relief. The variance would not alter the character of the neighborhood.
10. Based on the findings above and the testimony presented at the public hearing, the Board determined that the Application met the standards for granting a special use exception because the proposed use will not substantially affect adversely the uses of adjacent and neighboring properties.

The Board granted the variance application finding that it met the standards for granting a variance. The Board granted the special use exception finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. Ronald McCabe, Mr. John Mills, and Mr. Brent Workman. No Members of the Board voted in opposition to 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 March 21, 2012.