

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: RICHARD LEIBFRIED AND BARBARA LEIBFRIED (Case No. 10902)

A hearing was held after due notice on December 12, 2011. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Ronald McCabe, and Mr. Brent Workman. The hearing was recessed and the public record was kept open. A second hearing was held after due notice on January 9, 2012. The Board Members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Brent Workman. Mr. Norman Rickard was present at the second hearing but abstained from participation.

Nature of the Proceedings

This is an application for variance of the minimum lot coverage requirement in a mobile home park.

Findings of Fact

The Board found that the Applicants were seeking a variance of 1,012.15 square feet from the 35% lot coverage requirement for a mobile home park. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Long Neck Road, north of Circle Drive, being Lot 56 within Bay City, a Mobile Home Park; said property being identified as Sussex County Tax Map Parcel Number 2-34-24-34.00 Unit 50323. After two hearings, the Board made the following findings of fact:

1. The Applicants purchased the Property, including an existing doublewide manufactured home, in March 2011.
2. At the time the Applicants purchased the Property, the existing porch was in poor shape since no one had lived in the unit for over a year.
3. Since purchasing the Property, the Applicants have removed brittle plastic on the existing porch but the framing of the porch remains.
4. The Applicants propose to replace the existing porch with a porch that is slightly larger.
5. The existing dwelling already exceeds the 35% lot coverage requirement.
6. The additional square footage required to replace the existing porch is 96 square feet.
7. The Applicants initially requested an additional six feet to be added to the porch for a ramp but no longer seek a larger variance for that ramp as they do not intend to construct it.
8. Ronald Simmons, a builder, testified that he received a building permit for the porch at one point before learning of the need for a variance.
9. The Property is unique because it is a small, angled lot with a small building envelope.
10. The proposed porch is consistent with the character of the neighborhood.
11. Ron Matteo testified that he is the President of the Bay City Homeowner's Association and that the Association supports this Application. According to Mr. Matteo, a neighbor removed a similar porch without replacing it and it has diminished the appearance of the property.
12. At the December 12, 2011, hearing, ten parties appeared in support of the Application and no persons appeared in opposition to the Application.
13. At the January 9, 2012, hearing, no persons appeared in opposition to or in favor of the Application.
14. 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 Applicants. The Property was

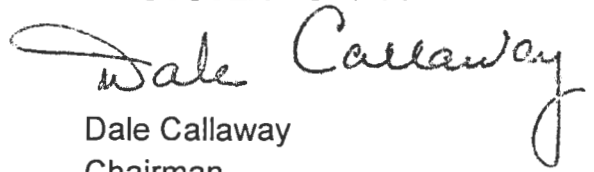
unique due to the small lot size. The variance is necessary for the reasonable use of the Property. The variance sought was the minimum necessary to afford relief. The variance would not alter the character of the neighborhood.

The Board granted 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 granted. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Brent Workman. No Board Members voted against the Application. Mr. Norman Rickard abstained from voting on this 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.

Revised Date February 9, 2012.