

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: KEN FLACCO (Case No. 10919)**

A hearing was held after due notice on January 9, 2012. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances of the side yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 5 feet from the 10 foot side yard setback requirement for a proposed manufactured home and a variance of 8 feet from the 10 foot side yard setback requirement for a proposed HVAC unit. The Applicant has requested that the aforementioned requested variances be granted as it pertains to certain real property located north of Route 54, northwest of Canvasback Road, being Lot 97 within the Swann Keys development; said property being identified as Sussex County Tax Map Parcel Number 5-33-12.16-326.01. After a hearing, the Board made the following findings of fact:

1. Darrell Grear testified on behalf of the Applicant. Mr. Grear is the builder of the proposed dwelling.
2. The proposed dwelling is designed to serve as the Applicant's retirement home with most of living areas to be located on the first floor of the dwelling.
3. The proposed dwelling is similar to other units in the development and there have been other similar variances granted in the neighborhood.
4. The proposed footprint of the dwelling is the minimum size needed to have a bedroom and living space on the first floor.
5. No persons appeared in opposition to or in favor of the Application.
6. 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 variances sought are the minimum to afford relief and will not alter the character of the neighborhood. The variances are needed to enable reasonable use of the property.

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. Norman Rickard, and Mr. Brent Workman. Mr. John Mills voted against the Application because he determined it did not meet the standards for granting a variance.

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.