

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

**IN RE: JEFFREY P. OTT AND EDWARD P. OTT (Case No. 10949)**

A hearing was held after due notice on March 5, 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 a variance of the side yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 0.3 feet from the 10 foot front yard setback requirement for an existing dwelling. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located east of Route 24 (John J. Williams Highway) west of Long Neck Circle, being Lot 115 within Pines at Long Neck development; said property being identified as Sussex County Tax Map Parcel Number 2-34-23.00-824.00. After a hearing, the Board made the following findings of fact:

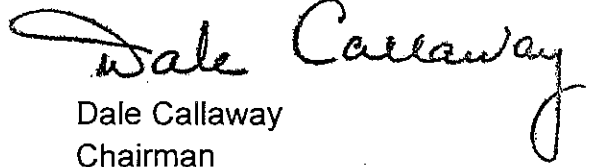
1. Elizabeth Soucek, Esquire, presented the Application on behalf of the Applicants.
2. The Board found that Ms. Soucek presented that the dwelling has been on the Property at its present location since 2001 and the owner believed the dwelling to be in compliance with all zoning regulations at that time as a Certificate of Compliance was issued at that time.
3. The Board found that Ms. Soucek presented that the lot is small and narrow and that an encroachment was discovered when the Applicants obtained a survey of the Property prior to purchasing the Property. The Applicants purchased the Property in January 2012.
4. The Board found that Ms. Soucek presented that the dwelling is a manufactured home on a permanent foundation and it would cause a hardship to move the dwelling due to the location of the foundation and because the plumbing for the home is located on the side of the dwelling which encroaches into the side yard setback.
5. The Board found that Linda Fisher testified that the 2001 survey indicated the manufactured home was in compliance, that there have been no complaints from neighbors; that she represents the Seller who is now in a nursing home and that the Seller believed the dwelling to be in compliance until the recent survey.
6. The Board found that no parties appeared in support of or in opposition to the application.
7. The Board found that the Planning & Zoning Office one (1) letter in opposition to the Application.
8. 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 due to its width. The variance will enable reasonable use of the Property. The variance will not alter the essential character of the neighborhood and is the minimum variance to afford relief. The need for the variance was not created by the Applicant.

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, Mr. Norman Rickard, and Mr. Brent Workman. No Member voted against 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 April 3, 2012.