

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: TODD A. WISE (Case No. 10992)

A hearing was held after due notice on June 18, 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 required 10 foot side yard setback requirement for a proposed manufactured home or modular dwelling with an overhang, an 8.5 foot variance from the required 10 foot side yard variance for proposed steps with awnings, an 8 foot variance from the required 10 foot side yard variance and a 3 foot variance from the required 5 foot setback requirement for a proposed shed with a 1 foot overhang. The Applicant has requested that the aforementioned requested variances be granted as it pertains to certain real property located north of Route 54 (Lighthouse Road) northwest of Blue Teal Road, being Lot 44, within Swann Keys development; said property being identified as Sussex County Tax Map Parcel Number 5-33-12.16-445.00. After a hearing, the Board made the following findings of fact:

1. Todd Wise appeared at the hearing and testified on behalf of the Application. Ray Tomasetti, Esquire, appeared on behalf of Mr. Wise to present to the Board.
2. The Board found that the Applicant testified that he purchased the Property located in Swann Keys in May 2012.
3. The Board found that the Applicant testified that the variance request allows room for parking and that the lot is unique in size as it is narrow and shallow as it measures forty feet by one hundred feet.
4. The Board found that the Applicant testified that the Applicant cannot purchase a double-wide manufactured home or a modular dwelling to fit on this size lot without a variance and that there are similar structures in the neighborhood.
5. The Board found that the Applicant testified that the character of the neighborhood has changed to stick built homes and the proposed dwelling is in line with the character of the neighborhood.
6. The Board found that the Applicant testified that the Property cannot be otherwise developed and that the Applicant did not create the hardship.
7. The Board found that the Applicant testified that there have been similar variances granted in the development.
8. The Board found that the Applicant testified that the variance is needed to enable reasonable use of the Property and that the variance is the minimum to afford relief.
9. The Board found that the Applicant testified that the proposed location of the shed will allow access to store his jet skis and that the Applicant is not interested in building a two story structure due to his increasing age and the cost.
10. The Board found that the Applicant submitted a survey and a copy of the deed.
11. The Board found that no parties appeared in opposition to or in support of the Application.
12. 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 because it is only 40 feet wide. The property cannot be developed in strict conformity with the zoning ordinance. The variance will not alter the essential character of the

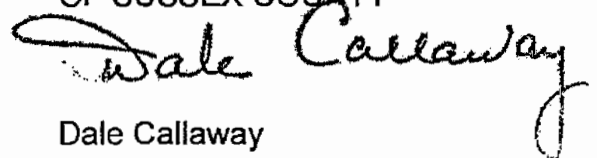
neighborhood and is the minimum variance to afford relief. The need for the variance was not created by the Applicant.

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, and Mr. Norman Rickard. Mr. Brent Workman 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 July 17, 2012.