

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

**IN RE: MICHELLE MCCABE (Case No. 10998)**

A hearing was held after due notice on July 2, 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 and front yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 0.7 feet from the required 10 foot side yard setback requirement for an existing manufactured home and a variance of 22.8 feet from the required 40 foot front yard setback requirement for an existing shed on a through lot. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located west of Road 5 (Oak Orchard Road) northeast of Oak Meadow Drive, being Lot 48 within Oak Meadows development; said property being identified as Sussex County Tax Map Parcel Number 2-34-29.00-116.00. After a hearing, the Board made the following findings of fact:

1. Amy Schrader appeared at the hearing and testified on behalf of the Application.
2. Douglas Marshall, Esquire, appeared on behalf of the Applicant and presented the Application to the Board.
3. The Board found that Mr. Marshall stated that building permits and Certificates of Compliance were issued for the structures in 1983.
4. The Board found that Mr. Marshall stated that the Property is unique since it a through lot and has two front yard setback requirements.
5. The Board found that Mr. Marshall stated that the two front yard setback requirements create a very small building envelope on a small lot.
6. The Board found that Mr. Marshall stated that there is no access to the Property from Route 5 and that the rear of the Property abuts Route 5 but is classified as a front yard.
7. The Board found that Mr. Marshall stated that the shed does not alter the character of the neighborhood since there are numerous sheds in the area.
8. The Board found that Mr. Marshall stated that a small portion of the existing manufactured home encroaches within the side yard setback requirement.
9. The Board found that Mr. Marshall stated that the variances requested are the minimum variances necessary to afford relief.
10. The Board found that Mr. Marshall stated that the variances, if granted, will not affect the uses of neighboring properties.
11. The Board found that Mr. Marshall stated that the difficulty was not created by the Applicant and that the variances will enable reasonable use of the Property.
12. The Board found that Ms. Schrader, under oath, confirmed the statements by Mr. Marshall, and added that she has been a realtor in the area for 29 years and is familiar with the area.
13. The Board found that the Applicant submitted a packet of information, including pictures, to the Board.
14. The Board found that no parties appeared in opposition to or in support of the Application.
15. The Planning & Zoning Office received two (2) letters in support of the Application.

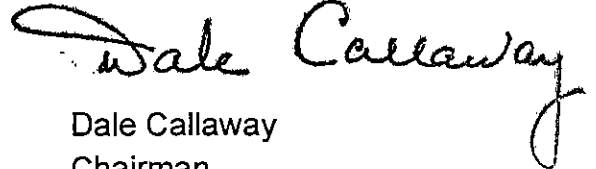
16. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The Property is unique because it is a through lot. The need for the variance was not created by the Applicant. The variance is necessary to 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 variance represents the least modification possible of the regulation in issue.

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 August 7, 2012