

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SUSAN PRATZNER (Case No. 11004)

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 a variance of the separation between units in a mobile home park requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 7.3 feet from the required 20 foot separation between units in a mobile home park requirement for an existing deck. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located west of Route 1 (Coastal Highway) east of Sarah Road, being Lot H-92 within Whispering Pines a Mobile Home Park; said property being identified as Sussex County Tax Map Parcel Number 3-34-5.00-155.00 Unit 19038. After a hearing, the Board made the following findings of fact:

1. Susan Pratzner appeared at the hearing and testified on behalf of the Application.
2. The Board found that the Applicant testified that she purchased the unit in June 2001 and that the dwelling had a deck attached to it at that time she purchased the unit.
3. The Board found that the Applicant testified that the deck that was on the unit at that time has deteriorated and that her neighbor, a seasonal resident, offered to construct a new deck for the cost of materials only.
4. The Board found that the Applicant testified that her neighbor obtained the building permit but that she was not aware of the setback violation until she received a non-compliance letter from Planning & Zoning Office.
5. The Board found that the Applicant testified that the previous deck also encroached into the separation requirement.
6. The Board found that the Applicant testified that the park did not have a survey of her lot but she obtained a survey needed to apply for the variance.
7. The Board found that the Applicant testified that the new deck is 2.5 feet larger than the previous deck.
8. The Board found that the Applicant testified that it will be a hardship to correct the problem because footers are in place.
9. The Board found that no parties appeared in opposition to the Application.
10. The Board found that one party appeared in support of the Application.
11. The Board took the case under advisement and discussed the Application later in the meeting.
12. The Board tabled its decision under the Application until its next hearing on July 16, 2012.
13. On July 16, 2012, the Board discussed the Application.
14. 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 size. The exceptional practical difficulty was not created by the Applicant. The variance will not alter the essential character of the neighborhood. The requested variance is the minimum to afford relief.

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