

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: GARY A. PURKEY (Case No. 11013)

A hearing was held after due notice on July 16, 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 front yard, side yard, and rear yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 2.8 feet from the required 10 foot front yard setback requirement, a variance of 1.2 feet from the required 10 foot side yard setback requirement (on both sides of the lot), and a variance of 1.0 feet from the required 10 foot rear yard setback requirement for a proposed manufactured home and a variance of 4.2 feet from the required 10 foot side yard setback requirement for a proposed air conditioning unit. The Applicant has requested that the aforementioned requested variances be granted as it pertains to certain real property located south of Route 54 (Lighthouse Road) northeast of Swann Drive, being Lot 50 within Swann Keys development; said property being identified as Sussex County Tax Map Parcel Number 5-33-13.13-4.00. After a hearing, the Board made the following findings of fact:

1. Gary Purkey and Gil Fleming appeared, testified, and presented the Application to the Board.
2. The Board found that Mr. Purkey testified that he seeks to place a dwelling on the Property and that the proposed unit will measure 16 feet by 52 feet.
3. The Board found that Mr. Purkey testified that the narrow lot is unique in size and will only allow a 10 foot wide unit on the lot.
4. The Board found that Mr. Purkey testified that the proposed unit is the minimum size that could be placed on the lot.
5. The Board found that Mr. Purkey testified that the location of the cul-de-sac also creates a uniqueness to the lot.
6. The Board found that Mr. Purkey testified that the proposed unit will not alter the character of the neighborhood as the proposed unit is similar to the majority of homes in the development.
7. The Board found that Mr. Purkey testified that the variance will enable reasonable use of the Property.

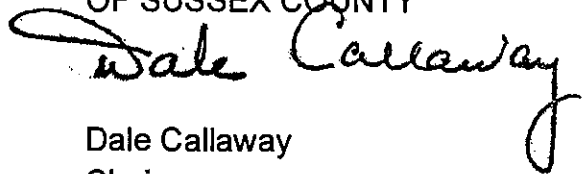
8. The Board found that Mr. Purkey testified that the variance requested is the minimum variance to afford relief.
9. The Board found that no parties appeared in opposition to the Application.
10. The Board found that four (4) parties appeared in support of the Application.
11. The Board found that the Planning & Zoning Office received a letter in opposition to 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 due to the location of the cul-de-sac and the narrowness of the lot. The Property cannot otherwise be developed in strict conformity with the Sussex County zoning ordinance. The variance will enable reasonable use of the Property. The need for the variance was not created by the Applicant. The variance will not alter the essential character of the neighborhood as there are similar type structures in the neighborhood and the variance requested is the minimum variance 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.