

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: PAT WILLIAMSON AND HAROLD SMITH (Case No. 11059)

A hearing was held after due notice on October 1, 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 setback requirement between units in a mobile home park.

Findings of Fact

The Board found that the Applicants were seeking a variance of 4.2 feet from the required 20 foot separation requirement between units in a mobile home park for an existing metal awning over a concrete pad. The Applicants have requested that the aforementioned requested variances be granted as it pertains to certain real property located south of Route 1 (Coastal Highway) northwest of Delaware Avenue, being Lot K-70 within Sea Air, a mobile home park; said property being identified as Sussex County Tax Map Parcel Number 3-34-13.00-310.00 Unit 3415. After a hearing, the Board made the following findings of fact:

1. Pat Williamson and Harold Smith were sworn in and testified on behalf of the Application.
2. The Board found that Mr. Smith testified that the Property is located in the Sea Air Mobile Home Park.
3. The Board found that Mr. Smith testified that the awning located on the Property measures 11 feet x 15 feet.
4. The Board found that Mr. Smith testified that the lot is only 40 feet wide making it unique in size.
5. The Board found that Mr. Smith testified that the existing concrete pad located on the Property has been unusable without the awning due to the sun.
6. The Board found that Mr. Smith testified that the awning provides needed shade to the area.
7. The Board found that Mr. Smith testified that the existing addition was built in the 1980's and is only 15 feet from the adjacent unit.
8. The Board found that Mr. Smith testified that the awning is 16 feet from the adjacent unit.
9. The Board found that Mr. Smith testified that he obtained the building permit and constructed the awning.
10. The Board found that Mr. Smith testified that he thought the separation requirement was 15 feet.
11. The Board found that no parties appeared in support of or 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 existing non-conforming structures. The variance will enable reasonable use of the Property. The difficulty was not created by the Applicants. The variance, if granted will not alter the essential character of the neighborhood. The variance sought is the minimum variance to afford relief.

The Board approved 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 approved. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Norman Rickard. No Member voted against the Motion to Approve 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 November 7, 2012