

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CORA BURGAN (Case No. 11075)

A hearing was held after due notice on October 15, 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 front yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 1.1 feet from the required 10 foot side yard setback requirement and a variance of 0.6 feet from the 10 foot side yard setback requirement and a variance of 13.5 feet from the required 30 foot front yard setback requirement for an existing handicapped ramp. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located west of Road 362 (Parker House Road) north of Mahogany Street, being Lot 36 Block L within Shady Dell Park development; said property being identified as Sussex County Tax Map Parcel Number 1-34-16.00-517.00. After a hearing, the Board made the following findings of fact:

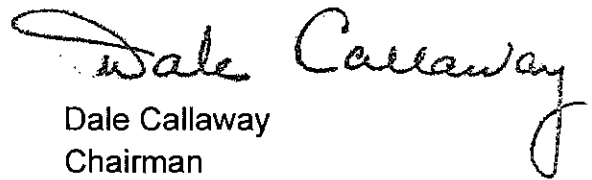
1. Mearl Layton was sworn in and testified on behalf of the Application.
2. The Board found that Mr. Layton testified that the manufactured home was placed on the Property in 1981 and that the unit was set at a slight angle.
3. The Board found that Mr. Layton testified that the handicap ramp was built for the Applicant by the Lions Club and her church.
4. The Board found that Mr. Layton testified that a building permit was obtained.
5. The Board found that Mr. Layton testified that the ramp was placed into the setback area for easier access.
6. The Board found that Mr. Layton testified that the ramp was built to the paved driveway to keep the wheelchair out of the dirt.
7. The Board found that Mr. Layton testified that the variances will not alter the essential character of the neighborhood.
8. The Board found that Mr. Layton testified that the variances sought are the minimum variances to afford relief.
9. The Board found that Mr. Layton testified that the Certificate of Compliance was issued in 1981 for the manufactured home.
10. The Board found that Mr. Layton submitted letters of support from the Homeowners Association and a neighbor.
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 variances will enable reasonable use of the Property. The variances will not alter the essential character of the neighborhood. The variances sought are the minimum variances 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.