

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

**IN RE: MILLICENT KUDRNA (Case No. 11084)**

A hearing was held after due notice on November 5, 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 and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 0.07 feet from the 30 foot front yard setback requirement for an existing manufactured home and a variance of 2 feet from the 5 foot side yard setback requirement for an existing shed. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located west of Road 363 (Parker House Road) northwest corner of Cedar Street & Walnut Court, being Lot 11 within Shady Dell development; said property being identified as Sussex County Tax Map Parcel Number 1-34-16.00-368.01. After a hearing, the Board made the following findings of fact:

1. Millicent Kudrna was sworn in and testified on behalf of the Application.
2. Manaen Robinson, Esquire, appeared and presented the Application on behalf of the Applicants.
3. The Board found that Mr. Robinson stated that the Applicant purchased the Property on July 21, 2012, and that the survey completed for settlement showed encroachments into the setback areas.
4. The Board found that Mr. Robinson stated that that the manufactured home was placed on the Property in 2004 and the shed was placed thereon sometime later.
5. The Board found that Mr. Robinson stated that the structures would have to be destroyed to comply with the setback requirements.
6. The Board found that Mr. Robinson stated that the Property is unique because it is a corner lot and narrow in size.
7. The Board found that Mr. Robinson stated that the variances will enable reasonable use of the Property.
8. The Board found that Mr. Robinson stated that the difficulty was not created by the Applicant as the Applicant did not place the structures on the Property.
9. The Board found that Mr. Robinson stated that the variances will not alter the character of the neighborhood.
10. The Board found that Mr. Robinson stated that the variances are the minimum variances necessary to afford relief.
11. The Board found that Mr. Robinson stated that the Homeowners Association supports the Application.
12. The Board found that Mr. Robinson stated that there is not much space in the yard to place the shed.
13. The Board found that Ms. Kudrna, under oath, confirmed the statements by Mr. Robinson.
14. The Board found that no parties appeared in support of or in opposition to the Application.
15. The Board found that a letter was submitted by the Shady Dell Homeowners Association 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 in size and shape.

The variances will enable reasonable use of the Property. The difficulty was not created by the Applicant. The variances sought are the minimum variances necessary 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, Mr. Norman Rickard and Mr. Brent Workman. 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 December 11, 2012