

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DAWN SCHUTT (Case No. 11121)

A hearing was held after due notice on December 17, 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 setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 34.3 feet from the 40 feet front yard setback requirement for an existing manufactured home. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Road 312 (River Road) west of Road 311 (Chief Road); said property being identified as Sussex County Tax Map Parcel Number 2-34-34.11-23.00. After a hearing, the Board made the following findings of fact:


1. Gil Fleming and Dawn Schutt were sworn in and testified on behalf of the Application.
2. The Board found that Mr. Fleming testified that the Board previously approved a 34 feet front yard variance in 2011 for this Property.
3. The Board found that Mr. Fleming testified that when placing the unit an error was made and the unit was moved forward a few inches.
4. The Board found that Mr. Fleming testified that the variance sought is the minimum variance to afford relief and that the variance will not affect the character of the neighborhood.
5. The Board found that Mr. Fleming testified that the lot is unique in shape.
6. The Board found that Ms. Schutt testified that the unit was special ordered to fit on the lot and that she has not yet moved into the unit.
7. The Board found that Mr. Fleming testified that there are not many manufactured home models that are as skinny as the Applicant's dwelling.
8. The Board found that Mr. Fleming testified that there are other manufactured homes in the neighborhood.
9. The Board found that Mr. Fleming testified that the variance will not affect adjacent properties and that the variance will not be detrimental to the public welfare.
10. The Board found that Mr. Fleming testified that the variance is necessary to enable reasonable use of the Property.
11. The Board found that Mr. Fleming testified that the difficulty was not created by the Applicant.
12. The Board found that Mr. Fleming submitted pictures in support of the Application.
13. The Board found that two (2) parties appeared in support of the Application.
14. The Board found that no parties appeared in opposition of the Application.
15. 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 shape. There is no possibility the Property can be developed in strict conformity with the Sussex County Zoning Ordinance. The variance is necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. The variance will not alter the essential character of the neighborhood. The variance sought is the minimum variance 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 January 29, 2013