

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CMH HOMES (Case No. 11122)

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 side yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 4.5 feet from the 10 feet side yard setback requirement for a proposed manufactured home. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Road 402 (Blueberry Lane) approximately 2,000 feet west of Route 113 (DuPont Boulevard); said property being identified as Sussex County Tax Map Parcel Number 4-33-6.00-23.00. After a hearing, the Board made the following findings of fact:

1. Gil Fleming was sworn in and testified on behalf of the Application.
2. The Board found that Mr. Fleming testified that the proposed unit will not alter the character of the neighborhood.
3. The Board found that Mr. Fleming testified that the lot is narrow and that the existing septic system prevents the unit from being placed elsewhere on the Property or from turned in a different direction on the lot.
4. The Board found that Mr. Fleming testified that the lot and conditions therein are unique.
5. The Board found that Mr. Fleming testified that the proposed unit will measure 28 feet by 60 feet which is the normal size of a doublewide manufactured home.
6. The Board found that Mr. Fleming testified that the unit cannot be placed on the lot and meet both the front yard and side yard setback requirements.
7. The Board found that Mr. Fleming testified that initially the Property was subdivided and approved for a singlewide manufactured home that was used for a medical hardship at one point.
8. The Board found that Mr. Fleming testified that the variance is necessary to enable reasonable use of the Property.
9. The Board found that Mr. Fleming testified that the variance is the minimum variance to afford relief.
10. The Board found that Mr. Fleming testified that there are other manufactured homes in the area and there are doublewide manufactured homes on the both adjacent lots.
11. The Board found that Mr. Fleming testified that the difficulty was not created by the Applicant.
12. The Board found that Mr. Fleming testified that the Property cannot be built in strict conformity with the Sussex County Zoning Code.
13. The Board found that Mr. Fleming testified that the variance requested is the least modification of the variance at issue.
14. The Board found that Mr. Fleming testified that the proposed variance will not impair the uses of neighboring and adjacent properties.
15. The Board found that Mr. Fleming submitted pictures in support of the Application.
16. The Board found that two (2) parties appeared in support of the Application.
17. The Board found that no parties appeared in opposition to the Application.

18. 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 lot is undersized and unique in shape. The Property cannot be otherwise 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 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
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