

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CAROLE R. ROMMAL (Case No. 11123)

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 variances of the side yard and rear yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 5 feet from the 10 feet side yard setback requirement for a proposed manufactured home and a variance of 5 feet from the 15 feet rear yard setback requirement for a proposed manufactured home and porch. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located south of Route 54 (Lighthouse Road) east of Grant Avenue, being Lot 3 within Cape Windsor development; said property being identified as Sussex County Tax Map Parcel Number 5-33-20.14-29.00. After a hearing, the Board made the following findings of fact:

1. Carole Rommal was sworn in and testified on behalf of the Application.
2. The Board found that Ms. Rommal testified that she owns a small lot in Cape Windsor that is only 50 feet wide by 89.6 feet deep.
3. The Board found that Ms. Rommal testified that she needs to replace the existing single-wide manufactured home located on the Property because the home has deteriorated.
4. The Board found that Ms. Rommal testified that she would like to replace the dwelling with a modular home and that the Homeowners Association has approved the proposed unit.
5. The Board found that Ms. Rommal testified that there are twelve (12) lots in the neighborhood that have had similar five (5) feet side yard variances approved.
6. The Board found that Ms. Rommal testified that she was approved in 1995 for a five (5) feet side yard variance.
7. The Board found that Ms. Rommal testified that the lot is unique in size.
8. The Board found that Ms. Rommal testified that the porch will measure 12 feet by 27 feet.
9. The Board found that Ms. Rommal testified that her previous porch was only ten (10) feet wide and was difficult to use.
10. The Board found that Ms. Rommal testified that the proposed shed shown on the plan is actually a utility room attached to the dwelling.
11. The Board found that Ms. Rommal testified that the Property cannot otherwise be developed in strict conformity with the Sussex County Zoning Ordinance.
12. The Board found that Ms. Rommal testified that the proposed dwelling cannot be turned to otherwise fit on the lot.
13. The Board found that Ms. Rommal testified that the Property abuts a canal.
14. The Board found that Ms. Rommal testified that there is a utility line in the front yard and the unit must maintain a ten (10) feet front yard setback requirement.
15. The Board found that Ms. Rommal testified that the variance, if granted, will not alter the character of the neighborhood.
16. The Board found that Ms. Rommal testified that she purchased the Property in 1995.
17. The Board found that one (1) party appeared in support of the Application.
18. The Board found that no parties appeared in opposition to the Application.

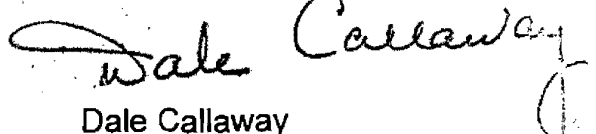
19. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The Property is unique. The variance is necessary to enable reasonable use of the Property. The variance will not 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