

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MICHAEL A. MOLINARO & WENDI L. MOLINARO (Case No. 11130)

A hearing was held after due notice on January 7, 2013. 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 Applicants were seeking a variance of 16.3 feet from the 30 feet front yard setback requirement for an existing manufactured home. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Road 358 (Sandy Cove Road) south of Bow Street, being Lot 16 within Holly Ridge Terrace development; said property being identified as Sussex County Tax Map Parcel Number 1-34-9.00-176.00. After a hearing, the Board made the following findings of fact:

1. Melinda Marvel Martin was sworn in and testified on behalf of the Application.
2. Larry Fifer, Esquire, presented the Application on behalf of the Applicants.
3. The Board found that Mr. Fifer stated that the Property is located in the Holly Ridge Terrace community, which is a mobile home subdivision.
4. The Board found that Mr. Fifer stated that the existing manufactured home has a screen porch.
5. The Board found that Mr. Fifer stated that Ms. Martin's parents placed the manufactured home on the lot in the early 1970's and a certificate of occupancy was granted.
6. The Board found that Mr. Fifer stated that Ms. Martin inherited the Property and agreed to sell it to the Applicants.
7. The Board found that Mr. Fifer stated that a survey completed for settlement showed the encroachment into the front yard setback area.
8. The Board found that Mr. Fifer stated that the Property is surrounded by water on two (2) sides making it unique.
9. The Board found that Mr. Fifer stated that the Property cannot be otherwise developed in strict conformity with the Sussex County Zoning Code due to the surrounding water.
10. The Board found that Mr. Fifer stated that the variance will enable reasonable use of the Property.
11. The Board found that Mr. Fifer stated that the Applicants were not involved in the placement of the dwelling thus did not create the need for the variance.
12. The Board found that Mr. Fifer stated that the variance will not alter the character of the neighborhood.
13. The Board found that Mr. Fifer stated that the variance will not be detrimental to public welfare.
14. The Board found that Mr. Fifer stated that the variance is the minimum variance necessary to afford relief.
15. The Board found that Ms. Martin, under oath, confirmed the statements by Mr. Fifer and testified that the cul-de-sac shown on the survey did not exist until the dirt road was paved in September 2012.
16. The Board found that one (1) party 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 recent paving of the cul-de-sac makes the Property unique. The variance is necessary to enable reasonable use of the Property. The difficulty was not created by the Applicants. 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 30, 2013