

## BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

### IN RE: GARY PURKEY (Case No. 11147)

A hearing was held after due notice on January 28, 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 from the rear yard setback requirement.

#### Findings of Fact

The Board found that the Applicant was seeking a variance of 1.2 feet from the 10 feet rear 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 south of Route 54 (Lighthouse Road) northeast of Swann Drive, being Lot 50 within Swann Keys development; said property being identified as Sussex County Tax Map Parcel Number 5-33-13.13-4.00. 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 Board approved a rear yard variance in 2012.
3. The Board found that Mr. Fleming testified that when the unit was placed the survey showed a further encroachment than was approved.
4. The Board found that Mr. Fleming testified that the house was off by a few inches due to the settling of the manufactured house.
5. The Board found that Mr. Fleming testified that the lot is very small.
6. The Board found that Mr. Fleming testified that the difficulty was not created by the Applicant.
7. The Board found that Mr. Fleming testified that the cul-de-sac creates a uniqueness to the lot as the cul-de-sac cuts into the lot.
8. The Board found that Mr. Fleming testified that the variance will enable reasonable use of the Property.
9. The Board found that Mr. Fleming testified that the variance will not alter the essential character of the neighborhood.
10. The Board found that Mr. Fleming testified that the variance requested is the minimum variance to afford relief.
11. The Board found that no parties appeared in support of or in opposition to the Application.
12. 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 due to the lot size. 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 February 19, 2013.