

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: DENNIS REITNAUER & JOAN REITNAUER (Case No. 11148)**

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 variances from the separation requirement between units in a mobile home park and variances of the side yard and rear yard setback requirements.

**Findings of Fact**

The Board found that the Applicants were requesting a variance of 7 feet from the 20 feet separation requirement from a shed on Lot 42A, a variance of 11.9 feet from the 20 feet separation requirement from a shed on Lot 44A, a variance of 3.8 feet from the 5 feet side yard setback requirement for an existing shed, and a variance of 3.5 feet from the 5 feet rear yard setback requirement for an existing shed. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property located north of Road 22 (Long Neck Road) south of Jasper View Lane, being Lot 43A within Massey's Landing a Mobile Home Park; said property being identified as Sussex County Tax Map Parcel Number 2-34-25.00-31.00-Unit 22863. After a hearing, the Board made the following findings of fact:

1. Dennis Reitnauer and Joan Reitnauer were sworn in and testified on behalf of the Application.
2. The Board found that Joan Reitnauer testified that the Applicants purchased the unit in 2004.
3. The Board found that Joan Reitnauer testified that the Applicants want to replace the unit.
4. The Board found that Joan Reitnauer testified that the unit is compliant with the side yard setback requirements but does not meet the separation between units setbacks.
5. The Board found that Joan Reitnauer testified that their neighbors have placed sheds near the property line.
6. The Board found that Joan Reitnauer testified that the location of neighbors' sheds do not allow the proposed unit to meet the separation requirement.
7. The Board found that Joan Reitnauer testified that the variances will enable reasonable use of the Property.
8. The Board found that Joan Reitnauer testified that the difficulty was not created by the Applicants because they did not place the sheds on the neighboring properties.
9. The Board found that Joan Reitnauer testified that the proposed unit will be in the same footprint as the existing unit.
10. The Board found that Joan Reitnauer testified that the variances will not alter the character of the neighborhood.
11. The Board found that Joan Reitnauer testified that the variances will not be detrimental to the public welfare.
12. The Board found that Joan Reitnauer testified that the variances are the minimum variances necessary to afford relief.
13. The Board found that Joan Reitnauer testified that the Applicants will move their shed into compliance and will not need the variances requested for the shed.
14. The Board found that no parties appeared in support of or in opposition to 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 an angled lot which makes it unique. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicants. The variances will not alter the character of the neighborhood. The variances sought are the minimum variances necessary to afford relief.
16. The Board found that the Applicant has withdrawn its application for the side yard and rear yard variances for the existing shed and did not grant those variances.

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