

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY
IN RE: ESTATE OF MARIE ANDERSON, C/O MARLENE BOTTOMLY
ADMINISTRATRIX (Case No. 11150)

A hearing was held after due notice on February 4, 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 front yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 3.9 feet from the 10 feet front yard setback requirement for an existing manufactured home and a variance of 3.2 feet from the 10 feet side yard setback requirement for an existing manufactured home. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located north of Route 54 (Lighthouse Road) west of Blue Bill Drive, being Lot 43, Block G within Swann Keys development; said property being identified as Sussex County Tax Map Parcel Number 5-33-12.16-183.02. After a hearing, the Board made the following findings of fact:

1. Glenn Piper was sworn in to testify on behalf of the Application.
2. The Board found that Jane Patchell, Esquire, appeared on behalf of the Applicant.
3. The Board found that Ms. Patchell stated that Marie Anderson inherited the Property from her mother.
4. The Board found that Ms. Patchell stated that Marie Anderson passed away in 2011 leaving no known heirs.
5. The Board found that Ms. Patchell stated that Marlene Bottomly, Administratrix is recovering from surgery and could not attend the hearing.
6. The Board found that Ms. Patchell stated that Mr. Piper is the listing agent for the sale of the Property.
7. The Board found that Ms. Patchell stated that Mr. Piper appraised the Property in 2006 and the only change since then was the addition of the deck.
8. The Board found that Ms. Patchell stated that Marie Anderson had the deck built.
9. The Board found that Ms. Patchell stated that the Property is only 50 feet wide and that the unit is now classified as a Class "C" home.
10. The Board found that Ms. Patchell stated that the dwelling is permanently affixed to the Property and would have to be removed from the foundation to be moved.
11. The Board found that Ms. Patchell stated that the dwelling has existed in its present location since 1984.
12. The Board found that Ms. Patchell stated that the variances are necessary to enable reasonable use of the Property.
13. The Board found that Ms. Patchell stated that the variances will not alter the essential character of the neighborhood due to the fact that the dwelling has been in its current location for many years.
14. The Board found that Ms. Patchell stated that there are no known heirs and the proceeds of the sale will go to the State.
15. The Board found that Ms. Patchell stated that the variances will not be detrimental to public welfare.
16. The Board found that Ms. Patchell stated that the variances are the minimum variances necessary to afford relief.

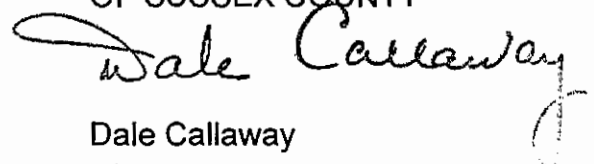
17. The Board found that Ms. Patchell stated that the difficulty was not created by the Applicant.
18. The Board found that Ms. Patchell submitted exhibits to the Board to support the Application.
19. The Board found that Mr. Piper testified that he is a licensed realtor and real estate appraiser.
20. The Board found that Mr. Piper testified that he appraised the Property in 2006 after the death of Ms. Anderson's mother.
21. The Board found that Mr. Piper testified that he appraised the Property again after Ms. Anderson's death.
22. The Board found that Mr. Piper testified that the footprint of the dwelling has not changed since 2006 except for the placement of the deck.
23. The Board found that no parties appeared in support of or in opposition to the Application.
24. 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 in size. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. The variances will not alter the essential character of the neighborhood. The variances sought are the minimum variances 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 March 19, 2013