

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: RONALD WROBLEWSKI and LORI WROBLEWSKI

(Case No. 11156)

A hearing was held after due notice on February 18, 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 side yard setback requirement.

Findings of Fact

The Board found that the Applicants were seeking a variance of 5 feet from the 10 feet side yard setback requirement for a proposed residence and a proposed porch. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Route 54 (Lighthouse Road) east of Laws Point Road, being Lot 64, Block E, within Swann Keys development; said property being identified as Sussex County Tax Map Parcel Number 5-33-12.16-267.00. After a hearing, the Board made the following findings of fact:

1. Ronald Wroblewski was sworn in to testify on behalf of the Application.
2. James Fuqua, Esquire, presented the case on behalf of the Applicants.
3. The Board found that Mr. Fuqua stated that the Property is located within the Swann Keys community and that the Applicants have owned the Property for six (6) years.
4. The Board found that Mr. Fuqua stated that there is a single-wide manufactured home on the lot.
5. The Board found that Mr. Fuqua stated that the Applicants want to replace the unit with a 24 feet by 60 feet residence.
6. The Board found that Mr. Fuqua stated that the proposed dwelling will also have a front porch and an open rear deck and that the proposed decks can encroach into the setback area.
7. The Board found that Mr. Fuqua stated that the unit will be equipped with a Geothermal system for heating and air conditioning.
8. The Board found that Mr. Fuqua stated that the lot is only forty (40) feet wide creating uniqueness to the lot because the width of the lot makes it difficult to improve the Property.
9. The Board found that Mr. Fuqua stated that the variance will enable reasonable use of the Property as it will allow the Applicants to upgrade their home.
10. The Board found that Mr. Fuqua stated that the variance will not alter the essential character of the neighborhood as there have been other similar variances granted nearby.
11. The Board found that Mr. Fuqua stated that the proposed dwelling is in conformity with other similar homes in the neighborhood.
12. The Board found that Mr. Fuqua stated that the existing manufactured home is the smallest in the area.
13. The Board found that Mr. Fuqua stated that the neighbor's house on the encroaching side is not parallel to the lot and that the neighbor's lot is pie-shaped so the variance will have a minimal impact on that lot.
14. The Board found that Mr. Fuqua stated that the difficulty was not created by the Applicants.
15. The Board found that Mr. Fuqua stated that the variance requested is the minimum variance to afford relief.

16. The Board found that Mr. Fuqua submitted exhibits for the Board to review.
17. The Board found that Mr. Wroblewski, under oath, confirmed the statements made by Mr. Fuqua.
18. The Board found that no parties appeared in support of or 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 due to the lot size. The difficulty was not created by the Applicants. 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.

Correction per Board of Adjustment July 1, 2013

Date March 19, 2013