

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CAROLE ROMMAL

(Case No. 11208)

A hearing was held after due notice on May 6, 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 Applicant was seeking a variance of 4.7 feet from the ten (10) feet side yard setback requirement for an existing HVAC unit. 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) east of Grant Avenue, 170 feet south of Lincoln Drive, being Lot 3 within Cape Windsor Subdivision; said property being identified as Sussex County Tax Map Parcel Number 5-33-20.14-29.00. After a hearing, the Board made the following findings of fact:

1. Derek Rommal and Carole Rommal were sworn in to testify about the Application.
2. The Board found that Ms. Rommal testified that variances were granted for the proposed dwelling in December 2012.
3. The Board found that Ms. Rommal testified that the Planning & Zoning staff did not advise her to include the HVAC unit in her initial variance application.
4. The Board found that Ms. Rommal testified that Planning & Zoning Director Lawrence Lank has taken appropriate steps with Department to rectify this oversight.
5. The Board found that Ms. Rommal testified that the Property is unique because the lot is fifty (50) feet wide by eighty nine (89) feet deep and that the Property was originally designed for a single-wide manufactured home.
6. The Board found that Ms. Rommal testified that the Applicant did not create the need for the variance.
7. The Board found that Ms. Rommal testified that no parking on the street is permitted.
8. The Board found that Ms. Rommal testified that the difficulty has not been created by the Applicant.
9. The Board found that Ms. Rommal testified that the height of the unit is to comply with flood zone regulations.
10. The Board found that Ms. Rommal testified that the variance is the minimum variance to afford relief.
11. The Board found that Ms. Rommal submitted photographs to the Board.
12. The Board found that Mr. Rommal testified that the variances are in conformity with the neighborhood.
13. The Board found that Mr. Rommal testified that the variance will not alter the essential character of the neighborhood.
14. The Board found that Mr. Rommal testified that the height of the structure for the HVAC had to be raised due to flooding following Hurricane "Sandy".
15. The Board found that four (4) parties appeared in support of the Application.
16. The Board found that no parties appeared in opposition to the Application.
17. The Office of Planning & Zoning received six (6) letters in support of the Application and one (1) letter in opposition to the Application.

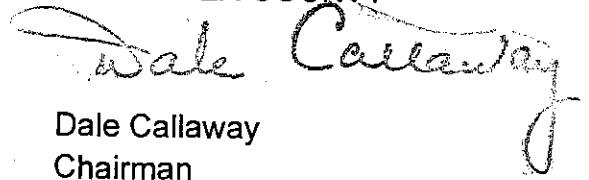
18. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance for the following reasons. The Property is unique in shape as it is only fifty (50) feet wide. The variance is necessary 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 June 18, 2013