

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

**IN RE: LOUIS F. BERGER, JR.**

**(Case No. 11214)**

A hearing was held after due notice on May 20, 2013. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, 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 five (5) feet from the ten (10) feet side yard setback requirement for a proposed dwelling. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Route 54 (Lighthouse Road) north of Laws Point Road, being Lot 45, Block E, within Swann Keys Subdivision; said property being identified as Sussex County Tax Map Parcel Number 5-33-12.16-286.00. After a hearing, the Board made the following findings of fact:

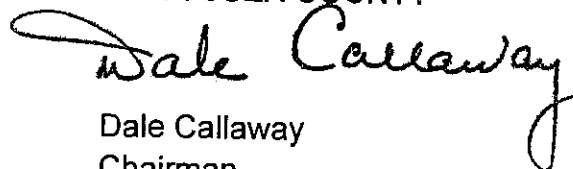
1. Charles Slade was sworn in to testify about the Application.
2. The Board found that Mr. Slade testified that he is the owner of Chesapeake Homes.
3. The Board found that Mr. Slade testified that the Property is located within the Swann Keys community.
4. The Board found that Mr. Slade testified that the side yard variance is necessary to place a new modular home on the Property.
5. The Board found that Mr. Slade testified that the existing 1977 unit, which was not livable, will be removed from the Property.
6. The Board found that Mr. Slade testified that the existing unit did not comply with the setback requirements.
7. The Board found that Mr. Slade testified that the Property is narrow in size.
8. The Board found that Mr. Slade testified that there will not be an adverse effect to the adjacent properties.
9. The Board found that Mr. Slade testified that the existing gravel driveway will be moved into compliance and not encroach on the neighbor's lot.
10. The Board found that Mr. Slade testified that the variance will not alter the character of the neighborhood.
11. The Board found that Mr. Slade testified that other older mobile homes have been replaced with similar homes in the neighborhood.
12. The Board found that no parties appeared in support of or in opposition to the Application.
13. 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 based on the following reasons. The Property is unique. The Property is only forty (40) 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 manufactured home is only twenty four (24) feet wide. 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, 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