

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: RICHARD SANK

(Case No. 11228)

A hearing was held after due notice on July 1, 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 five (5) feet from the ten (10) feet side yard setback requirement for a proposed addition. 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) southeast of Blue Teal Drive, being Lot 23, Block C, within Swann Keys development; said property being identified as Sussex County Tax Map Parcel Number (5-33-12.16-424.00). After a hearing, the Board made the following findings of fact:

1. Richard Sank was sworn in to testify about the Application.
2. The Board found that Mr. Sank testified that the Property is located in Swann Keys and that he purchased the Property in April 2013 with the existing manufactured home already on the Property.
3. The Board found that Mr. Sank testified that the dwelling has been in its current location since 1987.
4. The Board found that Mr. Sank testified that the dwelling was placed prior to the establishment of the ten (10) feet setback requirement.
5. The Board found that Mr. Sank testified that the existing manufactured home is in need of repair.
6. The Board found that Mr. Sank testified that he plans to reinforce the existing wall and build an addition on the front and rear of the manufactured home.
7. The Board found that Mr. Sank testified that the existing shed and the existing deck will be removed.
8. The Board found that Mr. Sank testified that the prior owner had not obtained a building permit.
9. The Board found that Mr. Sank testified that there are no steps or HVAC unit on the side of the existing manufactured home that encroach into the setback area.
10. The Board found that Mr. Sank testified that the difficulty was not created by the Applicant.
11. The Board found that Mr. Sank testified that the variance, if granted, will not alter the character of the neighborhood.
12. The Board found that Mr. Sank testified that the proposed addition will be in line with the existing manufactured home.
13. The Board found that Mr. Sank testified that the proposed addition could not be built without a variance.
14. The Board found that one (1) party appeared in support of the Application.
15. The Board found that no parties appeared in opposition to the Application.
16. 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 only forty (40) feet wide which makes it unique. The variance is necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. The setback changed after the dwelling was placed on the Property. The variance will not alter the essential character

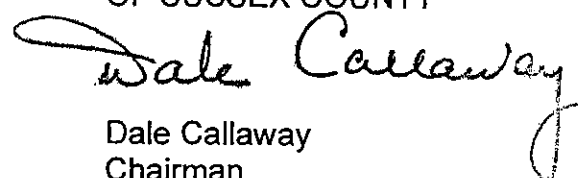
of the neighborhood. The variance sought is the minimum variance necessary to afford relief.

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.

Date August 7, 2013