

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DONNA M. BERGER

(Case No. 11234)

A hearing was held after due notice on July 15, 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 side yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking two (2) variances of five (5) feet from the ten (10) feet side yard setback requirement for both sides of the Property for a proposed modular dwelling. 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) north of Blue Teal Road, being Lot 8, Block C, within Swann Keys development; said property being identified as Sussex County Tax Map Parcel Number 5-33-12.20-42.00. 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 General Manager of Chesapeake Homes.
3. The Board found that Mr. Slade testified that the previous home did not comply with the required setback requirements.
4. The Board found that Mr. Slade testified that the Applicant intends to remove the existing home and replace it with a new dwelling.
5. The Board found that Mr. Slade testified that there have been similar variances granted in the development.
6. The Board found that Mr. Slade testified that the proposed dwelling has an eight (8) inch overhang.
7. The Board found that Mr. Slade testified that the lot is narrow.
8. The Board found that Mr. Slade testified that the variances will enable reasonable use of the Property.
9. The Board found that Mr. Slade testified that the variances will not alter the character of the neighborhood.
10. The Board found that Mr. Slade testified that the proposed dwelling will enhance the character of the neighborhood because the existing dilapidated dwelling will be removed and replaced with a new dwelling.
11. The Board found that Mr. Slade testified that the variances will not impair the uses of adjacent properties.
12. The Board found that Mr. Slade testified that the variances are not detrimental to the public welfare.
13. The Board found that Mr. Slade testified that the variances are the minimum variances necessary to afford relief.
14. The Board found that no parties appeared in support of or in opposition to the Application.
15. 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 its narrowness. 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 as there have been similar variances in 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 August 20, 2013