

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

**IN RE: VALERION HODGES**

**(Case No. 11250)**

A hearing was held after due notice on August 19, 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 and rear yard setback requirements.

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, porch and deck; a variance of five (5) feet from the twenty (20) feet rear yard setback requirement for a proposed screen porch and second floor deck; and a variance of eight (8) feet from the ten (10) feet side yard setback requirement for a proposed HVAC platform and HVAC units. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property southwest of Route 54 west of Tyler Avenue and 300 feet south of Lincoln Drive and being Lot 45, Block 5 within Cape Windsor development; said property being identified as Sussex County Tax Map Parcel Number 5-33-20.14-38.00. After a hearing, the Board made the following findings of fact:

1. Valerion Hodges and Jacqueline Hodges were sworn in to testify on behalf of the Application.
2. The Board found that Valerion Hodges submitted pictures to the Board for review.
3. The Board found that Valerion Hodges testified that they recently purchased the Property which is located in the Cape Windsor development.
4. The Board found that Valerion Hodges testified that the existing manufactured home needs to be removed due to damage from Hurricane "Sandy".
5. The Board found that Valerion Hodges testified that the lot measures fifty (50) feet by ninety (90) feet.
6. The Board found that Valerion Hodges testified that the undersized lot makes it difficult to construct an average size dwelling in strict conformity with the Sussex County Zoning Code.
7. The Board found that Valerion Hodges testified that Cape Windsor was developed as a community for singlewide mobile homes but has transitioned to a community for single family dwellings.
8. The Board found that Valerion Hodges testified that there is no on street parking within Cape Windsor.
9. The Board found that Valerion Hodges testified that the variances will enable reasonable use of the Property.
10. The Board found that Valerion Hodges testified that the difficulty was not created by the Applicant.
11. The Board found that Valerion Hodges testified that the variances will not alter the character of the neighborhood as the proposed dwelling is consistent with other homes in the neighborhood.
12. The Board found that Valerion Hodges testified that the Homeowners Association has approved the proposed plan, pending the Board's approval.

13. The Board found that Valerion Hodges testified that the variances are the minimum variances necessary to afford relief.
14. The Board found that Valerion Hodges testified that the requested variances represent the least modification of the regulation at issue.
15. The Board found that Valerion Hodges testified that adjacent houses each have a porch and second floor deck.
16. The Board found that Valerion Hodges testified that the proposed rear deck will be in line with the neighboring homes in the development.
17. The Board found that Valerion Hodges testified that the proposed location will allow for off street parking, which is required by the development.
18. The Board found that one (1) party appeared in support of the Application.
19. The Board found that no parties appeared in opposition to the Application.
20. 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 because it is only fifty (50) feet wide. 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. 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 October 8, 2013