

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DIANA MORAN

(Case No. 11252)

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 setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 0.1 feet from the five (5) feet side yard setback requirement for an existing shed; a variance of 5.5 feet from the ten (10) feet side yard setback requirement for an existing deck; a variance of 9.8 feet from the ten (10) feet side yard setback requirement for an existing landing; and a variance of 6.2 feet from the ten (10) feet side yard setback requirement for an existing manufactured home. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property north of Route 54, east of Laws Point Road, 930 feet north of Swann Drive, Lot 25, Block E within Swann Keys development; said property being identified as Sussex County Tax Map Parcel Number 5-33-12.16-306.00. After a hearing, the Board made the following findings of fact:

1. Diana Moran and Thomas Moran were sworn in to testify on behalf of the Application.
2. The Board found that Mrs. Moran testified that they purchased the Property located in Swann Keys on July 3, 2013.
3. The Board found that Mrs. Moran testified that the manufactured home was placed on the Property in 1981 and a Certificate of Compliance was issued for the manufactured home.
4. The Board found that Mrs. Moran testified that the dwelling has never been moved and that all structures existed when they purchased the Property.
5. The Board found that Mrs. Moran testified that the Property is unique because it is only forty (40) feet wide.
6. The Board found that Mrs. Moran testified that a surveyor advised them variances were needed to bring the Property into compliance.
7. The Board found that Mrs. Moran testified that they are not planning to move or replace the existing dwelling.
8. The Board found that Mrs. Moran testified that the difficulty was not created by the Applicants.
9. The Board found that Mrs. Moran testified that the variances will not alter the character of the neighborhood.
10. The Board found that Mrs. Moran testified that the variances are the minimum variances necessary to afford relief.
11. The Board found that Thomas Moran testified that they removed six (6) inches of the existing steps located on the north side of the Property and that the shed will not be moved.
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. A Certificate of Compliance was issued for

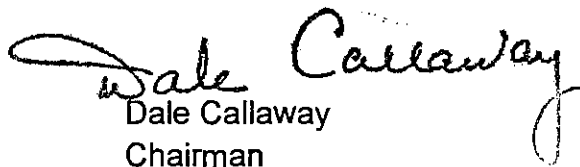
the Property which led the Applicant to believe that the Property was in compliance with Sussex County Zoning Code. The Property is unique in size as it is only forty (40) feet wide. The variances is necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. 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