

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MICHELLE BENSON

(Case No. 11258)

A hearing was held after due notice on September 9, 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 separation requirement between units in a mobile home park and the maximum allowable lot coverage in a mobile home park.

Findings of Fact

The Board found that the Applicant was seeking a variance of four (4) feet from the twenty (20) feet separation requirement between units for a proposed shed, a variance of 5.6 feet from the twenty (20) feet separation requirement between units for a proposed deck, and a variance of forty-one (41) square feet from the maximum thirty five percent (35%) lot coverage requirement in a mobile home park. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property southeast of Route One, southeast of Center Avenue, and 90 feet south of Skyview Street, being Lot 59 Block D within Sea Air Village, a Mobile Home Park; said property being identified as Sussex County Tax Map Parcel Number 3-34-13.00-310.00 Unit 19813. After a hearing, the Board made the following findings of fact:

1. Dana Hanson was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Hanson testified that the proposed deck will measure twelve (12) feet by twenty four (24) feet.
3. The Board found that Mr. Hanson testified that the shed and the deck have not yet been placed on the Property.
4. The Board found that Mr. Hanson testified that he would like more time to prepare his case.
5. The Board found that there were no parties present in support of or in opposition to this Application.
6. The Board voted to leave the record open so that the Applicant so as to allow the Applicant more time to prepare its case.
7. On September 23, 2013, The Board heard additional testimony about the Application.
8. Judith Benson and William Benson were sworn in to testify about the Application.
9. The Board found that Ms. Benson testified that the Applicants previously had a deck and shed on the Property with their old mobile home.
10. The Board found that Ms. Benson testified that the older mobile home has been replaced.
11. The Board found that Ms. Benson testified that the deck and shed would be consistent with the prior use.
12. The Board found that Ms. Benson testified that the use will not alter the character of the neighborhood.
13. The Board found that Ms. Benson testified that the neighbors on one side have a covered porch and the neighbors on the other side have a gazebo and patio.
14. The Board found that Ms. Benson testified that they have permission from the Sea Air for the deck.
15. The Board found that Ms. Benson testified that the proposed deck will be 14.4 feet from the neighboring dwelling.

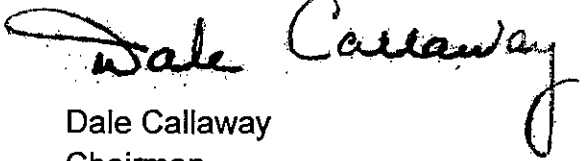
16. The Board found that Ms. Benson testified that the contractor only needs six (6) feet to build the deck.
17. The Board found that Ms. Benson testified that there is plenty of space between the units.
18. The Board found that Ms. Benson testified that their neighbors have outdoor living space.
19. The Board found that Ms. Benson testified that the variances will not be detrimental to the public welfare.
20. The Board found that Ms. Benson testified that the variances represent the least modifications of the regulations at issue.
21. The Board found that Ms. Benson testified that the variances are necessary to afford relief.
22. The Board found that Ms. Benson testified that the new unit measure twelve (12) feet wide.
23. The Board found that Ms. Benson testified that the proposed deck and shed will enhance the Property.
24. The Board found that Ms. Benson testified that they plan to retire and live here permanently.
25. The Board found that Ms. Benson testified that the difficulty was not created by the Applicant.
26. The Board found that Ms. Benson testified that the variances will not impair the uses of adjacent and neighboring properties.
27. The Board found that Ms. Benson testified that the shed will provide the only storage available on the lot.
28. The Board found that Ms. Benson testified that the neighbor has no objection to the Application.
29. The Board found that no parties appeared in support of or in opposition to the Application.
30. The Board found that the Office of Planning & Zoning received one (1) letter in support of the Application.
31. 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 shape of the Property is unique. 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 November 5, 2013.