

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

**IN RE: MICHAEL VALLERIE & JOANN VALLERIE**

**(Case No. 11301)**

A hearing was held after due notice on December 16, 2013. The Board members present were: Mr. Dale Callaway, Mr. Jeffrey 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 Applicants were requesting a variance of 5.3 feet from the ten (10) feet right side yard setback requirement for a proposed dwelling, a variance of 1.2 feet from the ten (10) feet left side yard setback requirement for a proposed dwelling, a variance of 4.2 feet from the ten (10) feet left side yard setback requirement for a proposed air conditioning unit and platform, and a variance of 1.2 feet from the ten (10) feet left side yard setback requirement for a proposed uncovered staircase. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property located north of Route 54, and being northwest of Blue Teal Road 1,160 feet north of Swann Drive and being Lot 29 Block C of Swann Keys Subdivision; said property being identified as Sussex County Tax Map Parcel Number 5-33-12.16-430.00. After a hearing, the Board made the following findings of fact:

1. The Board found that Office of Planning and Zoning received no correspondence in support of or in opposition to the Application.
2. Adam Rones, Joann Vallerie, and Michael Vallerie were sworn in to testify on behalf of the Application.
3. The Board found that Mr. Rones testified that the Property is located within Swann Keys and that the Applicants seek to place a modular home on the Property which is more consistent with the newer homes within Swann Keys.
4. The Board found that Mr. Rones testified that the lot is only forty (40) feet wide.
5. The Board found that Mr. Rones testified that the required ten (10) feet side yard setback requirements only leave a twenty (20) feet wide building envelope.
6. The Board found that Mr. Rones testified that the proposed dwelling is a modular home measuring twenty six (26) feet by fifty two (52) feet.
7. The Board found that Mr. Rones testified that the previous manufactured home with attached porch measured fourteen (14) feet by seventy (70) feet with a twelve (12) feet wide sunroom.
8. The Board found that Mr. Rones testified that the proposed dwelling is only six (6) inches wider than the previous home.
9. The Board found that Mr. Rones testified that the requested variances are similar to other variances granted in the development and that the variances will not alter the character of the neighborhood..
10. The Board found that Mr. Rones testified that the variances requested are minimum variances necessary to afford relief.
11. The Board found that Mr. Rones testified that the Applicants purchased the Property in 2005.
12. The Board found that Mr. Rones testified that the Property cannot be developed in strict conformity with the Sussex County Zoning Code and that the difficulty was not created by the Applicants.
13. The Board found that Mr. Rones testified that the air conditioning unit cannot be placed in the front yard since that area is used for parking and that there is minimal parking available in the community.
14. The Board found that no parties appeared in support of or in opposition to the Application.
15. Based on 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 size of the lot makes the Property unique.

The Swann Keys community was originally designed for single-wide mobile homes. The Property cannot be developed in strict conformity with the Sussex County Zoning Code. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicants as they did not create the narrow lot. 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. Jeffrey 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

A handwritten signature in black ink that reads "Dale Callaway". The signature is fluid and cursive, with the first name "Dale" and last name "Callaway" clearly distinguishable.

Dale Callaway  
Chairman

If the use is not established within one (1)  
year from the date below the application  
becomes void.

Date February 18, 2014