

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: LEWIS GOODMAN & NANCY GOODMAN

(Case No. 11303)

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 rear yard, front yard, and side yard setback requirements.

Findings of Fact

The Board found that the Applicants were requesting a variance of 0.7 feet from the five (5) feet rear yard setback requirement for an existing shed, a variance of 4.1 feet from the ten (10) feet front yard setback requirement for an existing manufactured home, a variance of 9.5 feet from the ten (10) feet side yard setback requirement for an existing deck, and a variance of 4.8 feet from the ten (10) feet side yard setback requirement for an existing manufactured home. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property located north of Route 54 (Lighthouse Road) and being southeast of Canvasback Road 2,000 feet north of Swann Drive and being Lot 51 Block D within Swann Keys Development; said property being identified as Sussex County Tax Map Parcel Number 5-33-12.16-372.00. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received no correspondence regarding the Application.
2. Lewis Goodman and Nancy Goodman were sworn in to testify on behalf of the Applicant.
3. The Board found that the Applicants submitted a letter in support of the Application from their neighbors.
4. The Board found that Mrs. Goodman testified that the Applicants purchased the Property in October 2013 and that the difficulty was not created by the Applicants.
5. The Board found that Mrs. Goodman testified that the Applicants purchased the Property as it is and that the structures have been on the lot since 1986.
6. The Board found that Mrs. Goodman testified that the lot is only forty (40) feet wide and is located in the Swann Keys community.
7. The Board found that Mrs. Goodman testified that the stairs cannot be moved since they go into the kitchen and it is the most convenient way to enter the home.
8. The Board found that Mrs. Goodman testified that the house cannot be moved into compliance due to its age and condition.
9. The Board found that Mrs. Goodman testified that the variances will not alter the character of the neighborhood.
10. The Board found that Mrs. Goodman testified that the Applicants have made no changes nor intend to make any changes to the Property.
11. The Board found that no parties appeared in support of or in opposition to the Application.
12. 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 Applicants purchased the Property in its current state. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicants. The variances will not alter the essential character of the neighborhood because the dwelling has been in its current location for quite some time. 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

Dale Callaway
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