

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

**IN RE: RONALD ELBURN & SHARON ELBURN**

**(Case No. 11320)**

A hearing was held after due notice on January 27, 2014. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Brent Workman and Mr. Norman Rickard.

**Nature of the Proceedings**

This is an application for a variance side yard setback requirement.

**Findings of Fact**

The Board found that the Applicants were seeking a variance of five (5) feet from the ten (10) feet side yard setback requirement for a proposed dwelling, a variance of 8.2 feet from the ten (10) feet side yard setback requirement for a proposed HVAC unit, a variance of 4.4 feet from the ten (10) feet side yard setback requirement for a proposed attached shed, and a variance of 3.4 feet from the ten (10) feet side yard setback requirement for a proposed roof over a landing. 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 west of Blue Teal Road 220 feet north of Swann Drive and being Lot 5 Block C within Swann Keys Subdivision; said property being identified as Sussex County Tax Map Parcel Number 5-33-12.20-39.00. 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. Ronald Elburn and Sharon Elburn were sworn in to testify on behalf of the Application.
3. James Fuqua, Esquire, was present to present the Application.
4. The Board found that Mr. Fuqua submitted exhibits to the Board for its consideration.
5. The Board found that Mr. Fuqua stated that the Property is located within Swann Keys and that the Property measures 40 feet wide by 105 feet deep.
6. The Board found that Mr. Fuqua stated that the Property fronts on Blue Teal Road and borders a lagoon in the rear.
7. The Board found that Mr. Fuqua stated that the proposed dwelling will measure twenty-four (24) feet wide by sixty-six (66) feet long.
8. The Board found that Mr. Fuqua stated that the lots in Swann Keys are narrow in size as compared to conventional lots.
9. The Board found that Mr. Fuqua stated that the variances will enable reasonable use of the Property.
10. The Board found that Mr. Fuqua stated that the Applicants will comply with the front and rear yard setbacks.
11. The Board found that Mr. Fuqua stated that the Property is unique due to its narrow width and small size.
12. The Board found that Mr. Fuqua stated that the proposed home is a reasonable use of the Property as it is similar to other homes in the community.
13. The Board found that Mr. Fuqua stated that the Applicants did not create the difficulty.
14. The Board found that Mr. Fuqua stated that the community has evolved from a mobile home community to a community for single family dwellings.
15. The Board found that Mr. Fuqua stated that similar variances have been granted in the community.
16. The Board found that Mr. Fuqua stated that the variances requested will not alter the character of the neighborhood as the proposed dwelling will be similar to other dwellings in Swann Keys.


17. The Board found that Mr. Fuqua stated that the variances requested are the minimum variances necessary to afford relief.
18. The Board found that Mr. Fuqua stated that over eighty (80) variances have been granted in the development.
19. The Board found that Mr. Fuqua stated that over thirty (30) variances have been granted on Blue Teal Road, including a lot adjacent to the Property.
20. The Board found that Mr. and Mrs. Elburn, under oath, confirmed the statements made by Mr. Fuqua.
21. The Board found that no parties appeared in support of or in opposition to the Application.
22. 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 in size and narrow width. 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. The variances sought are the minimum variances necessary to afford relief. The variances represent the least modifications of the regulations at issue.

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 March 25, 2014.