

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: M. DELORIS WINKELMAN

(Case No. 11323)

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 variances from the side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking variance of five (5) feet from the north side yard setback requirement and a variance of five (5) feet from the five (5) feet south side yard setback requirement for a proposed manufactured home. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located north of Route 54 (Lighthouse Road) and being east of Canvasback Road 1,600 feet north of Swann Drive and being Lot 40 Block D within Swann Keys Subdivision; said property being identified as Sussex County Tax Map Parcel Number 5-33-12.16-383.00. 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. Charles Shade was sworn in to testify on behalf of the Application.
3. The Board found that Mr. Shade testified that he is the owner of Chesapeake Homes.
4. The Board found that Mr. Shade testified that the Property is located in Swann Keys and that the lots in Swann Keys are very narrow.
5. The Board found that Mr. Shade testified that the existing manufactured home is in disrepair.
6. The Board found that Mr. Shade testified that Swann Keys was developed originally as a mobile home community but has evolved into a community with larger dwellings.
7. The Board found that Mr. Shade testified that the proposed dwelling is in character with the neighborhood.
8. The Board found that Mr. Shade testified that the existing single-wide manufactured home would require variances on this lot in order to comply with the Sussex County Zoning Code.
9. The Board found that Mr. Shade testified that there have been numerous variances granted in the community.
10. The Board found that Mr. Shade testified that the variances will enable reasonable use of the Property.
11. The Board found that Mr. Shade testified that the difficulty was not created by the Applicant.
12. The Board found that Mr. Shade testified that the proposed dwelling will enhance the character of the neighborhood.
13. The Board found that Mr. Shade testified that the neighbors on the north and south sides of the Property have no objection to the Application.
14. The Board found that Mr. Shade testified that the use will not be detrimental to the public welfare.
15. The Board found that Mr. Shade testified that the variances are the least modifications possible of the regulation at issue.

16. The Board found that Mr. Shade testified that the requested variances of five (5) feet were to include the overhang for the dwelling and that the variances needed would actually be four (4) feet on each side.
17. The Board found that Mr. Shade testified that the dwelling will be placed on a concrete foundation
18. The Board found that Mr. Shade testified that the HVAC unit will meet the required setbacks.
19. The Board found that no parties appeared in support of or in opposition to the Application.
20. 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 narrow lot is unique in size. The Property is only forty (40) feet wide. 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.
21. The Board's approval was for a variance of four (4) feet from the north side yard setback requirement and a variance of four (4) feet from the south side yard setback requirement as the Applicant has demonstrated that a variance of five (5) feet is not needed.

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