

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MARY HAUSER & FREDERICK HAUSER

(Case No. 11345)

A hearing was held after due notice on February 17, 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 from the 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 addition. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Route 54 (Lighthouse Road) and being northwest of Swann Drive ½ mile northeast of Laws Point Road and being Lot 45 Block A Swann Keys Subdivision; said property being identified as Sussex County Tax Map Parcel Number 5-33-12.16-531.00. After a hearing, the Board made the following findings of fact:


1. Frederick Hauser and Mary Hauser were sworn in to testify on behalf of the Application.
2. The Board found that Mrs. Hauser submitted an email from Jane Nock in support of the Application.
3. The Board found that Mr. Hauser testified that the Property is located in Swann Keys and that the variance request is similar to other variance requests which have been granted in the development.
4. The Board found that Mr. Hauser testified that they seek to build an addition to their existing mobile home on the Property and that the proposed addition will be used for additional living space with an open porch.
5. The Board found that Mr. Hauser testified that the existing manufactured home measures sixteen (16) feet by seventy (70) feet.
6. The Board found that Mr. Hauser testified that the proposed addition will be at least twelve (12) feet from the neighbors' dwelling.
7. The Board found that Mr. Hauser testified that the addition will not alter the character of the neighborhood.
8. The Board found that Mr. Hauser testified that the variance will not be detrimental to public welfare.
9. The Board found that no parties appeared in support of or in opposition to the Application; though the Office of Planning & Zoning received a letter in opposition to the Application and the Board considered that letter.
10. Based on the findings above and the testimony and evidence 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 as it is only forty (40) feet wide. The variance is necessary to enable reasonable use of the Property as the Applicants intend to use the space for additional living space and storage. The difficulty was not created by the Applicants. The variance will not alter the essential character of the neighborhood as similar variances have been granted in the neighborhood. The variance sought is the minimum variance 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 March 25, 2014