

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DEBORAH LOPRESTI

(Case No. 11354)

A hearing was held after due notice on March 24, 2014. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

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 Applicant was seeking a variance of four (4) feet from the ten (10) feet side yard setback requirement for a proposed manufactured home and a variance of 7.2 feet from the ten (10) feet side yard setback requirement for a proposed HVAC unit and platform. 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 northwest of Bluebill Drive, 1,580 feet north of Swann Drive and being Lot 55 Block G within Swann Keys Development; said property being identified as Sussex County Tax Map Parcel Number 5-33-12.16-174.00. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
2. John Stark was sworn in to testify on behalf of the Application.
3. The Board found that Mr. Stark testified that he is a construction manager for Atlantis Homes.
4. The Board found that Mr. Stark testified that the Applicant's husband has passed away.
5. The Board found that Mr. Stark testified that the Applicant wants to replace her existing twelve (12) foot wide manufactured home with a sixteen (16) feet by seventy-four (74) feet manufactured home.
6. The Board found that Mr. Stark testified that the lot is narrow and adjacent to a lagoon.
7. The Board found that Mr. Stark testified that the proposed unit will be placed within the same footprint as the existing unit.
8. The Board found that Mr. Stark testified that the Applicant does not want to remove a tree her husband planted on the lot so the dwelling is proposed to be placed away from the tree.
9. The Board found that Mr. Stark testified that the proposed unit encroaches less into the setback area than the existing unit.
10. The Board found that Mr. Stark testified that the development has a mix of single-wide and double-wide homes so the variances will not alter the character of the neighborhood.
11. The Board found that Mr. Stark testified that the Property extends into the lagoon.
12. The Board found that Mr. Stark testified that the Property experiences flooding problems so building near the rear yard setback area is not desirable.
13. The Board found that one (1) party appeared in support of the Application.
14. The Board found that no parties appeared in opposition to the Application.
15. 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. The variances are necessary to enable reasonable use of the Property. The Property

cannot otherwise be developed in strict conformity with the Sussex County Zoning Code. 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.

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 May 6, 2014