

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

**IN RE: PAUL A. KING & GLADYS A. KING**

**(Case No. 11419)**

A hearing was held after due notice on July 21, 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 variances from the side yard and front yard setback requirements for a through lot.

Findings of Fact

The Board found that the Applicants were seeking a variance of three (3) feet from the ten (10) feet side yard setback requirement for a proposed dwelling on both sides of the property and a variance of 8.5 feet from the forty (40) feet front yard setback requirement for a proposed dwelling. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property located southwest of Route 54 (Lighthouse Road) and being northeast of Taft Avenue and being Lot 2 Block 2 within Cape Windsor Subdivision (911 Address: 38816 Taft Avenue, Selbyville, Delaware); said property being identified as Sussex County Tax Map Parcel Number 5-33-20.18-170.00. 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. Gladys King and Paul King were sworn in to testify on behalf of the Application and Raymond Tomasetti, Esquire, appeared on behalf of the Applicants.
3. The Board found that Mr. Tomasetti submitted pictures of the Property.
4. The Board found that Mr. Tomasetti stated that the Applicants want to replace the existing manufactured home with a modular dwelling.
5. The Board found that Mr. Tomasetti stated that the location of old Route 54 makes the lot a through lot.
6. The Board found that Mr. Tomasetti stated that the Property is oddly shaped and has unique dimensions.
7. The Board found that Mr. Tomasetti stated that the Property abuts to a canal.
8. The Board found that Mr. Tomasetti stated that a similar variance was granted for the neighbor's dwelling.
9. The Board found that Mr. Tomasetti stated that the variances will not alter the essential character of the neighborhood.
10. The Board found that Mr. Tomasetti stated that mobile homes in the neighborhood are being replaced by dwellings similar to the one proposed by the Applicants.
11. The Board found that Mr. Tomasetti stated that the variances requested represent the least modifications of the regulations at issue.
12. The Board found that Mr. Tomasetti stated that the difficulty was not created by the Applicants.
13. The Board found that Mr. & Mrs. King, under oath, confirmed the statements made by Mr. Tomasetti.
14. The Board found that Mr. King testified that the proposed dwelling will be similar to a dwelling on adjacent property.
15. The Board found that Mr. King testified that the proposed three story modular dwelling will be approximately 900-square-feet on each floor and that there will be adequate parking.
16. The Board found that four (4) parties appeared in support of the Application.
17. The Board found that no parties appeared in opposition to the Application.

18. 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 shape and size. Furthermore, the Property's location adjacent to Old Lighthouse Road makes the Property a through lot; which is also unique. The Property is also adjacent to a canal. The variances are necessary to enable reasonable use of the Property. The Applicants seek to replace their existing manufacture dwelling with a modular dwelling on a reasonably sized footprint. The difficulty was not created by the Applicants. The use will not be detrimental to the public welfare. The variances will not alter the essential character of the neighborhood. Variances for similar uses in the neighborhood have been granted and the character of the neighborhood is shifting away from manufactured homes. 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 September 9, 2014.