

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CHARLES WIENHOLD and SUSAN WIENHOLD

(Case No. 11440)

A hearing was held after due notice on August 18, 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 setback requirement.

Findings of Fact

The Board found that the Applicants were seeking a variance of eight (8) feet from the ten (10) feet side yard setback requirement for proposed steps and landing, a variance of eight (8) feet from the ten (10) feet side yard setback requirement for an HVAC platform, a variance of five (5) feet from the ten (10) feet side yard setback requirement for a proposed modular dwelling, a variance of seven (7) feet from the ten (10) feet side yard setback requirement for steps and landing, and a variance of three (3) feet from the ten (10) feet side yard setback requirement for a modular dwelling. 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 east of Canvasback Road 1,200 feet north of Swann Drive and being Lot 31 Block D within Swann Keys Subdivision (911 Address: 37018 Canvasback Road, Selbyville, Delaware); said property being identified as Sussex County Tax Map Parcel Number 5-33-12.16-392.00. After a hearing, the Board made the following findings of fact:

1. Adam Rones, Charles Wienhold, and Susan Wienhold were sworn in to testify on behalf of the Application.
2. The Board found that Mr. Rones testified that the Property is located in Swann Keys which was originally developed with narrow lots.
3. The Board found that Mr. Rones testified that Swann Keys has evolved into a community with larger homes.
4. The Board found that Mr. Rones testified that the proposed modular dwelling will measure 28 feet by 66 feet with a second floor deck on the waterside of the lot.
5. The Board found that Mr. Rones testified that the lot is small and narrow creating a small building envelope thereby making it unique.
6. The Board found that Mr. Rones testified that the Property is only forty (40) feet wide.
7. The Board found that Mr. Rones testified that the variances are necessary to enable reasonable use of the Property.
8. The Board found that Mr. Rones testified that the proposed dwelling will be consistent with other dwellings in the neighborhood.
9. The Board found that Mr. Rones testified that the difficulty was not created by the Applicants.
10. The Board found that Mr. Rones testified that the variances will not alter the essential character of the neighborhood.
11. The Board found that Mr. Rones testified that the variances requested are the minimum variances necessary to afford relief.
12. The Board found that Mr. Rones testified that the variances are consistent with the neighborhood.
13. The Board found that Mr. Rones testified that the proposed modular dwelling is a one-story four (4) bedroom structure and that other dwellings in the area are two-story dwellings.
14. The Board found that no parties appeared in support of or in opposition to the Application.
15. 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

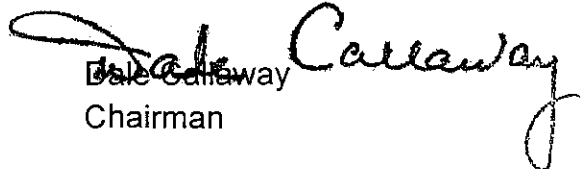
met the standards for granting a variance. The Property is only forty (40) feet wide which makes it unique. The size of the Property limits the available building envelope and the proposed dwelling is a reasonably sized dwelling. The variances are necessary to enable reasonable use of the Property. The dwelling could not be placed on the Property without the variances. The difficulty was not created by the Applicants. The Applicants did not create the size of the lot and the character the community has evolved since it was originally developed years ago. The variances will not alter the essential character of the neighborhood. The proposed dwelling will be consistent with other dwellings in 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 September 23, 2014