

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DENNIS W. PIERCE

(Case No. 11442)

A hearing was held after due notice on September 8, 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 minimum square footage for a parcel requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 1,870.37-square-feet from the 10,000-square-foot minimum lot size requirement for a parcel. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Road 388 (Deer Run Road) and being south of West Whitetail Drive, 1,100 feet southwest of Fawn Drive and being "Outlot A" in Deer Run Acres Subdivision; said property being identified as Sussex County Tax Map Parcel Number 5-33-11.00-287.00. After a hearing, the Board made the following findings of fact:

1. Dennis Pierce was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Pierce testified that he currently owns the parcel known as "Outlot A" as well as an adjacent lot.
3. The Board found that Mr. Pierce testified that the Property is less than the 10,000 square feet minimum required by Sussex County.
4. The Board found that Mr. Pierce testified that the Property, as it is recorded, cannot be built on.
5. The Board found that Mr. Pierce testified that the lot has sewer and water connections.
6. The Board found that Mr. Pierce testified that he plans to improve the Property with a manufactured home and sell it.
7. The Board found that Mr. Pierce testified that there are similar sized lots in the area.
8. The Board found that Mr. Pierce testified that the proposed dwelling will meet all setback requirements.
9. The Board found that Mr. Pierce testified that the Property is located in the Deer Run Park.
10. The Board found that Mr. Pierce testified that Deer Run Park has been around for approximately thirty (30) years.
11. The Board found that Mr. Pierce testified that the community has other manufactured homes located therein.
12. The Board found that Mr. Pierce testified that the size and shape of the Property make it unique.
13. The Board found that Mr. Pierce testified that he cleared and backfilled the lot in order to prepare it for the placement of a home.
14. The Board found that Mr. Pierce testified that the variance is necessary to enable reasonable use of the Property.
15. The Board found that Mr. Pierce testified that the hardship was not created by him and that he is not proposing to change the lot size.
16. The Board found that Mr. Pierce testified that the variance will not be detrimental to the public welfare.
17. The Board found that Mr. Pierce testified that the variance will not alter the character of the neighborhood.
18. The Board found that Mr. Pierce testified that the variance is the minimum necessary to afford relief.

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 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 due to its size and shape. The variance is necessary to enable reasonable use of the Property. The hardship was not created by the Applicant. The variance will not alter the essential character of the neighborhood. The community consists of manufactured homes and the Applicant intends to place a manufactured home on the Property. The Applicant intends to meet all setback requirements in the placement of the dwelling. 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 October 21, 2014