

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: LYNWOOD ROMANO and PATRICIA ROMANO

(Case No. 11471)

A hearing was held after due notice on October 20, 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 2.5 feet from the ten (10) feet side yard setback requirement for both sides of the Property for a proposed manufactured home. This application pertains to certain real property located northeast of Route 5 (Oak Orchard Road) and being northwest of Circle Drive 850 feet northeast of Circle Drive entrance off of Oak Orchard Road and being Lot 32 Block A Section II of Orchard Manor (911 Address: 33038 Circle Drive, Millsboro, DE); said property being identified as Sussex County Tax Map Parcel Number 2-34-34.08-137.00). 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. Joe Romano and Nicole Romano were sworn in to testify about the Application.
3. The Board found that Mrs. Romano testified that the Applicants are purchasing the Property from relatives and are purchasing a manufactured home from Clayton Homes to place on the lot.
4. The Board found that Mrs. Romano testified that the Applicants would like to place the unit so the front door faces the road rather than facing sideways.
5. The Board found that Mrs. Romano testified that the proposed manufactured home will measure twenty-eight (28) feet by sixty (60) feet.
6. The Board found that Mrs. Romano testified that the lot measures seventy (70) feet by one-hundred forty (140) feet.
7. The Board found that Mrs. Romano testified that the Applicants seek a variance of 2.5 feet on both sides of the lot.
8. The Board found that Mrs. Romano testified that the previous singlewide manufactured home was placed sideways on the lot.
9. The Board found that Mrs. Romano testified that the Applicants would have to place the home sideways on the lot to meet the setback requirements.
10. The Board found that Mrs. Romano testified that the variances are not necessary to enable reasonable use of the Property because they would only have to turn the house sideways to meet the setback requirements.
11. The Board found that Mrs. Romano testified that the unit on the neighboring property to the west faces sideways on the lot.
12. The Board found that Mrs. Romano testified that the unit on the neighboring property to the east faces sideways as well but has an addition that faces the street.
13. The Board found that Mrs. Romano testified that the Applicants would not need the variance if they turned the house sideways.
14. The Board found that one (1) party appeared in support of the Application.
15. The Board found that no parties appeared in opposition to the Application.
16. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the application failed to meet

the standards for granting a variance. The Applicants failed to demonstrate that the Property is unique as it is a rectangular lot with enough size to place the dwelling the Applicants seek to place on the Property. The Applicants also failed to convince the Board that the variances are necessary to enable reasonable use of the Property. During the testimony, Mrs. Romano admitted that the variances were not necessary to enable reasonable use because she could turn the house sideways to fit on the lot without the need for the variances. The Board also found that the hardship and exceptional practical difficulty were being created by the Applicants since the Applicants could comply with the Sussex County Zoning Code. There was no physical condition or condition with the Property which otherwise created the hardship or difficulty. The Applicants also failed to demonstrate that the proposed use would not alter the essential character of the neighborhood. Houses on properties to the immediate east and west of the Property face sideways on their lots and the dwelling proposed to be placed by the Applicants would face in a perpendicular direction from the neighboring houses. Since the dwelling can be placed on the lot without a variance, the variances requested do not represent the minimum variances to afford relief.

The Board denied the variance application finding that it failed to meet the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application was denied. The Board Members in favor of the Motion to Deny were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to Deny the variance application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


Dale Callaway
Chairman

Date December 16, 2014