

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: BARBARA ANDREAVICH

(Case No. 11481)

A hearing was held after due notice on November 3, 2014. The Board members present were: 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 Applicant was seeking a variance of three (3) feet from the ten (10) feet side yard setback requirement and a variance of 2.8 feet from the ten (10) feet side yard setback requirement for an existing manufactured home. This application pertains to certain real property located northeast of Road 362 (Parker House Road) northeast of Birch Street, 773 feet southeast of Hemlock Street and being Lot 19 Block K Section 4 within Shady Dell Park (911 Address: 37581 Birch Street, Ocean View, DE); said property being identified as Sussex County Tax Map Parcel Number 1-34-16.00-480.00. After a hearing, the Board made the following findings of fact:

1. The Board found that Office of Planning and Zoning received no correspondence in support of or in opposition to the Application.
2. Barbara Andreavich was sworn in to testify about the Application.
3. The Board found that Ms. Andreavich testified that she purchased the Property thirty-one (31) years ago and that she replaced the existing manufactured home with a newer model at that time.
4. The Board found that Ms. Andreavich testified that the unit was placed in the same location as the previous unit.
5. The Board found that Ms. Andreavich testified that she is selling the Property and needs the variances in order to complete the sale.
6. The Board found that Ms. Andreavich testified that she purchased the manufactured home from Larry's Homes in 1983 and relied on them for permitting and placement of the unit.
7. The Board found that Ms. Andreavich testified that other units in the development are placed in a similar fashion as her unit.
8. The Board found that Ms. Andreavich testified that her neighbor to the east has a manufactured home that is located on the east side of that lot.
9. The Board found that Ms. Andreavich testified that the unit cannot be moved due to an existing porch.
10. The Board found that Ms. Andreavich testified that the situation is unique.
11. The Board found that Ms. Andreavich testified that the variances are necessary to enable reasonable use of the Property.
12. The Board found that Ms. Andreavich testified that the difficulty was not created by her.
13. The Board found that Ms. Andreavich testified that the variances will not alter the character of the neighborhood.
14. The Board found that Ms. Andreavich testified that there have never been any complaints from the neighbors.
15. The Board found that Ms. Andreavich testified that the variances are the minimum variances to afford relief.
16. The Board found that one (1) party 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 because it is only 75 feet wide; which is narrow. The variances are necessary to enable the reasonable use of the Property. The manufactured home is a reasonably sized dwelling and the attached screen porch makes it impossible for the home to be moved into compliance with the Sussex County Zoning Code. The exceptional practical difficulty and hardship was not created by the Applicant as the Applicant relied on Larry's Homes to place the home on the Property in compliance with the Sussex County Zoning Code and Larry's Homes failed to do so. The variances do not alter the essential character of the neighborhood. The home has been in its current location for 31 years without complaint and the home on the neighboring property is similarly situated on its lot. The variances sought are the minimum variances necessary to afford relief.

The Board granted the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor were Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve the variance application. Mr. Dale Callaway did not participate in the discussion or vote of this 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 January 6, 2015