

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SHERMAN HILL, JR., and RANDY HILL

(Case No. 11484)

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 a variance from the front yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 7.7 feet from the forty (40) feet front yard setback requirement for a proposed manufactured home. This application pertains to certain real property located southeast of Road 490 (River Road) northeast corner of 2nd Street and Road 490 (River Road) and 600 feet south of Railroad in the Town of Blades (911 Address: 26063 River Road, Seaford, DE); said property being identified as Sussex County Tax Map Parcel Number 1-32-1.15-3.00. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received four (4) letters and emails in support of the Application and no correspondence in opposition to the Application.
2. Randy Hill was sworn in to testify about the Application.
3. The Board found that Mr. Hill testified that the Property is zoned G-R where single-wide manufactured homes are permitted.
4. The Board found that Mr. Hill testified that the lot is rectangular in shape but is small in size.
5. The Board found that Mr. Hill testified that the lot was created over 40 years ago and that the existing mobile home is 41 years of age.
6. The Board found that Mr. Hill testified that he is replacing an existing manufactured home.
7. The Board found that Mr. Hill testified that the new home will improve the neighborhood.
8. The Board found that Mr. Hill testified that neighbors support the variance.
9. The Board found that Mr. Hill testified that the shape and size of the lot create a hardship and that the variance is necessary to enable reasonable use of the Property.
10. The Board found that Mr. Hill testified that the need for the variance was not created by the Applicants.
11. The Board found that Mr. Hill testified that the variance will not alter the character of the neighborhood.
12. The Board found that Mr. Hill testified that the variance requested is the minimum variance to afford relief.
13. The Board found that Mr. Hill testified that the proposed manufactured home is a 1995 model that is 14 feet by 60 feet.
14. The Board found that Mr. Hill testified that he experienced difficulty finding a manufactured home that would fit on the lot without the need for a variance.
15. The Board found that Mr. Hill testified that the existing porch will be removed.
16. The Board found that Mr. Hill submitted pictures for the Board to review.
17. The Board found that Gary Walls was sworn in and testified in support of the Application.
18. The Board found that four (4) parties appeared in support of the Application.

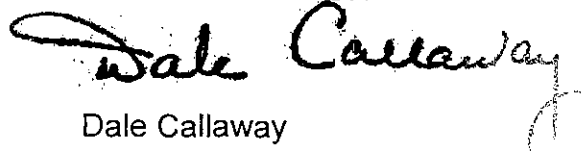
19. The Board found that no parties appeared in opposition to the Application.
20. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, the Board determined that the application met the standards for granting a variance. The Property is unique because it is 50 feet by 100 feet. The lot is small and it is difficult, if not impossible, to find a mobile home that would fit on the Property without the need for a variance. The variance is necessary to enable reasonable use of the Property as the variance will allow the Applicant to place a newer manufactured home on the Property. The exceptional practical difficulty and hardship were not created by the Applicants. The lot was created many years ago and the existing manufactured home needs to be replaced but the Property is not large enough to accommodate a replacement model. The variance will not alter the essential character of the neighborhood. The replacement home will be an improvement over the existing home and neighbors support the request. The variance sought is the minimum variance necessary to afford relief and the variance requested represents the least modification of the regulation at issue.

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