

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: TIDA KEEDY AND RICHARD WEIBLING**

**(Case No. 12744)**

A hearing was held after due notice on October 3, 2022. The Board members present were: Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. John T. Hastings, Mr. Jordan Warfel, and Mr. John Williamson.

Nature of the Proceedings

This is an application for variances from the side yard setback and separation distance requirements for proposed and existing structures.

Findings of Fact

The Board found that the Applicants are seeking the following variances:

1. A variance of 9.4 feet from the twenty (20) feet separation distance requirement between the proposed shed and the existing manufactured home on Lot D59;
2. A variance of 6.5 feet from the twenty (20) feet separation distance requirement between the proposed shed and the existing manufactured home on Lot E60;
3. A variance of 13 feet from the twenty (20) feet separation distance requirement between the existing manufactured home and the existing shed on Lot E60;
4. A variance 5 feet from the five (5) feet side yard setback requirement on the southwest side for an existing landing and steps;
5. A variance of 4.4 feet from the twenty (20) feet separation distance requirement between the existing deck and the existing manufactured home on Lot D59; and
6. A variance 7.2 feet from the twenty (20) feet separation distance requirement between the existing deck and the existing landing on Lot D59.

This property is located on the southeast side of Center Avenue within the Sea Air Village Manufactured Home Park (911 Address: 19923 Center Avenue, Rehoboth Beach) said property being identified as Sussex County Tax Map Parcel Number 334-13.00-310.00-31384 ("the Property"). After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a survey of the Property dated July 7, 2022, an exterior improvement request form, Findings of Fact for Case No. 11258, a drawing of the addition, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Richard Weibling and Tida Keedy were sworn in to testify about the Application.
4. The Board found that Mr. Weibling testified that he has resided in Sea Air Village for 20 years and Ms. Keedy has been on the Property for 25 years.
5. The Board found that Mr. Weibling testified that he has a trailer on a very narrow lot.
6. The Board found that Mr. Weibling testified that he tore down his 8 feet by 10 feet metal shed and seeks to replace it with an 10 feet by 10 feet wooden shed.
7. The Board found that Mr. Weibling testified that shed measuring even 1 foot by 1 foot would need a variance because there is no room. He noted that, no matter where he places the shed and no matter the size of the shed, he will need a variance.
8. The Board found that Mr. Weibling testified that he went through the process with Sea Air Village and received approval from the landlord for his request.
9. The Board found that Mr. Weibling testified that the shed will be used for a workshop and storage.

10. The Board found that Mr. Weibling testified that that his neighbors have no problem with his proposed shed.
11. The Board found that Mr. Weibling testified that the prior shed on the Property used to go straight across the back from the rear of the trailer to the property line but the new shed will be placed more into the yard because the neighbor behind them placed a shed on the property line. He noted that, in order to have the necessary clearance, he has to place his shed farther into the Property by 3 feet or more.
12. The Board found that Mr. Weibling testified that he has done everything legally required that he needs to do to place the shed and now he is before the Board.
13. The Board found that Mr. Weibling testified that the neighbor whose shed is on the property line did not acquire a permit for his shed.
14. The Board found that Mr. Weibling testified that, if he placed his shed where it was previously, he would not meet the separation distance requirement for accessory structures.
15. The Board found that Mr. Weibling testified that, if the neighbor's shed was not there, he would be able to move his shed another 3 feet back.
16. The Board found that Mr. Weibling testified that he placed the shed in the proposed location to minimize the need for variances between the sheds.
17. The Board found that Mr. Weibling testified that he is trying to minimize any potential issues between him and the neighbor to the rear.
18. The Board found that Mr. Weibling testified that the park is happy with him but he still needs approval from the Board.
19. The Board found that Mr. Weibling testified that he is going place a block foundation with 7 feet walls with an A frame.
20. The Board found that Mr. Weibling testified that the home was placed on the Property by a prior owner.
21. The Board found that Mr. Weibling testified that the steps are made of concrete and the deck is actually a platform. He noted that the steps with landing were there when they purchased the Property.
22. The Board found that Mr. Weibling testified that there have been no complaints about the structures.
23. The Board found that Mr. Weibling testified that he increased the size of the shed to accommodate a shop bench on the left side of the shed.
24. The Board found that Mr. Weibling testified that the park has limited shed size to 10 feet by 10 feet and that a 10 feet by 10 feet shed is the minimum size to accomplish his needs and use of the structure.
25. The Board found that Mr. Weibling testified that he lives in a singlewide trailer and he has 14 containers in his living room and a tiny shed that is packed to the doors with some of his stuff. He noted that they have two (2) bedrooms but can barely get into the second bedroom and he needs space to store their stuff. He argued that singlewide manufactured homes are not designed for storage of people that have lives.
26. The Board found that Mr. Weibling testified that the shed he currently has is very tiny and will be removed when he gets the new shed.
27. The Board found that Mr. Weibling testified that his current shed measures either a 3 feet by 3 feet or 4 feet by 4 feet and was given to them by a neighbor.
28. The Board found that Mr. Weibling testified that their singlewide trailer measures approximately 14 feet by 60 feet.
29. The Board found that no one appeared in support of or in opposition to the Application.
30. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and un rebutted, the Board determined that the application met the standards for

granting a variance. The findings below further support the Board's decision to approve the Application.

- a. The Property is unique as it is a small and narrow lot laid out prior to the enactment of the Sussex County Zoning Code. The lot consists of only 3,543 square feet and is 40.35 feet wide. The lot is also adjacent to a lots which are improved by houses and related structures and the dwelling, landing, and steps on Lot D-59 and the dwelling and shed on Lot E-60 are close to the shared property lines. The lot is required to meet separation distance requirements for structures within the park but the Applicants are unable to retain the existing home, deck, and steps and to replace a shed on the lot while meeting all setback requirements. The effect of the placement of the structures on the adjacent lots combined with the already small size of the lot have led to an exceptionally small building envelope. These conditions have created an exceptional practical difficulty and unnecessary hardship for the Applicants who seek to retain the existing home, deck, and steps and to replace a shed on the Property but cannot do so in compliance with the Sussex County Zoning Code. The situation is unique because neighboring homes have been placed on other lots and the Applicants have no control over the placement of those homes and structures.
- b. The unnecessary hardship and exceptional practical difficulty are not being created by the provisions of the Sussex County Zoning Code.
- c. Due to the uniqueness of the Property and the placement of the structures on a neighboring lot, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Applicants propose to retain the existing home, deck, and steps and to replace a shed on the lot but are unable to do so without violating the separation distance requirements between structures in a mobile home park requirement. The variances are thus necessary to enable reasonable use of the Property. The Board is convinced that the shape and location of the dwelling and related structures are also reasonable (which is confirmed when reviewing the survey). The Board notes that the proposed shed will provide the Applicants with functional storage space that is lacking in the home.
- d. The exceptional practical difficulty and unnecessary hardship were not created by the Applicants. The Applicants did not create the size of the lot or place the structures on the neighboring properties thereby restricting the building envelope on the Property. This building envelope is further limited due to the small size of the lot. The unique conditions of the Property and the development of the adjacent lot have created an exceptional practical difficulty and unnecessary hardship for the Applicants who seek to retain the existing home, deck, and steps and to replace a shed on the lot.
- e. The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The Board is convinced that the dwelling and related structures will not have a negative impact on the neighborhood. The Board notes that no complaints were noted in the record about the existing dwelling and related structures and no evidence was presented which would indicate that the variances would somehow alter the essential character of the neighborhood or be detrimental to the public welfare. The Board also notes that the shed will be located farther from the property line than an existing shed that will be removed.
- f. The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of

the regulations at issue. The Applicants have demonstrated that the variances sought will allow the Applicants to retain the existing home, deck, and steps and to replace a shed on the lot. The Board notes that the dwelling is a reasonably sized manufactured home and the shed is also reasonable. The Applicants propose to move the shed off the property line away from where the existing shed is located so as to minimize the need for a variance.

- g. The condition or situation of the Property and the intended use of the Property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Sussex County Zoning Code.

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 of the Motion to approve the variance were Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. Travis Hastings, Mr. Jordan Warfel, and Mr. John Williamson. No Board Member voted against the Motion to approve the variance application.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY



Jeffrey Chorman  
Chair

If the use is not established within two (2) years from the date below the application becomes void.

Date December 12, 2022.