

MINUTES OF JULY 11, 2022

The regular meeting of the Sussex County Board of Adjustment was held on Monday, July 11, 2022, at 6:00 p.m. in the County Council Chamber, Sussex County Administration Office Building, Georgetown, Delaware. The teleconference system was tested during the meeting by staff to confirm connectivity.

The meeting was called to order at 6:00 p.m. with Chairman John Williamson presiding. The Board members present were: Dr. Kevin Carson, Mr. Jeffrey Chorman - Absent, Mr. John T. Hastings - Absent, Mr. Jordan Warfel, and Mr. John Williamson. Also, in attendance were Mr. James Sharp, Esquire – Assistant County Attorney, and staff members Ms. Jennifer Norwood – Planning and Zoning Manager, and Ms. Amy Hollis – Recording Secretary. Mr. Chorman arrived during the Board meeting as noted below.

The Pledge of Allegiance was led by Mr. Williamson.

Motion by Mr. Warfel, seconded by Dr. Carson and carried unanimously to amend the agenda to move Reorganization to the end of the meeting. Motion carried 3 – 0.

The vote by roll call; Dr. Carson – yea, Mr. Warfel – yea, and Mr. Williamson – yea.

Motion by Dr. Carson, seconded by Mr. Warfel and carried unanimously to approve the agenda. Motion carried 3 – 0.

The vote by roll call; Dr. Carson – yea, Mr. Warfel – yea, and Mr. Williamson – yea.

Motion by Mr. Warfel, seconded by Dr. Carson and carried unanimously to approve the Minutes for the May 2, 2022, meeting. Motion carried 3 – 0.

The vote by roll call; Dr. Carson – yea, Mr. Warfel – yea, and Mr. Williamson – yea.

Motion by Mr. Warfel, seconded by Dr. Carson and carried to approve the Findings of Facts for the May 2, 2022, meeting. Motion carried 3 – 0.

The vote by roll call; Dr. Carson – yea, Mr. Warfel – yea, and Mr. Williamson – yea.

Mr. Sharp read a statement explaining how the Board of Adjustment meeting is conducted and the procedures for hearing the cases.

PUBLIC HEARINGS

Mr. Sharp noted that all of Public Hearings this evening related to lots in the Sea Air Village Manufactured Home Park; that they are separate and distinct applications within the same manufactured home park; that there is some commonality among the issues for which staff may be able to provide a historical background; that all comments should be directed to the appropriate case; that there was a memo circulated to the Board as part of the public packet; that the memo

provided a historical background of Sea Air Village; that this community pre-dates the enactment of the Sussex County Zoning Code; that the lots were laid out prior to 1970; that there was a historical issue within the community where structures did not meet either setback or separation distance requirements; that in 2007 there was a decision made by the County that the owner of the park made a map with an overlay of the park noting the placement of structures at that time; that there is a survey with aerial map; that any structures in place at that time were deemed legally non-conforming and were allowed to stay in their present locations; that the memo explicitly stated that, if any structures were removed or added, they must be built in compliance with the Code or the applicant must obtain a variance; that, since 2007, there have been numerous applications for variances within Sea Air Village; that there is a long history with this community; and that each case in the past has been reviewed independently as will the cases presented tonight.

Ms. Norwood made note that all of the cases to be heard are in the same neighborhood and were advertised together; that 574 notices were mailed and 190 were returned; and that there were no letters in support or opposition to the applications.

Case No. 12709– Sea Air Village seek variances from the separation distance requirements for proposed structures (Sections 115-25 and 115-172 of the Sussex County Zoning Code). The property is located on the northwest side of Sea Air Avenue, Lot A08, within the Sea Air Village Manufactured Home Park. 911 Address: 19782 Sea Air Avenue, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-13.00-310.00-3018

Ms. Norwood presented the case and stated that the Applicant is requesting variances of 1.8 ft. from the 20 ft. separation requirement for the proposed landing to the existing manufactured home on Lot A-10, 3.7 ft. from 20 ft. separation requirement for the proposed manufactured home to the existing steps on Lot A-10, 7.8 ft. from 20 ft. separation requirement for the proposed landing to the existing steps on Lot A-10, 2.4 ft. from 20 ft. requirement for the proposed landing to the existing manufactured home on Lot A-10, 7.3 ft. from 20 ft. separation requirement for the proposed shed to the existing manufactured home on Lot A-10, and 10.9 ft. from 20 ft. separation requirement for the proposed manufactured home to the existing shed on Lot A-6.

Ms. Aimee Bennett was sworn in to give testimony about this Application.

Ms. Bennett testified that the uniquely narrow dimensions of this lot create a challenge placing the manufactured home and maintaining minimum separation between homes and accessory structures; that this lot was laid out with others in the community in the 1960s; that the lot sizes are small in comparison with the size of the modern manufactured home; that she has selected a standard size floorplan for this home that is comparable to the other new homes in the community but is still unable to place it on the lot with the required setbacks; that the narrow shape of the lot makes it difficult to place a new manufactured home on the property consistent with others in the neighborhood while being in compliance with Sussex County Zoning Code; that she proposes to place a normal width sized manufactured home that is consistent with other new homes in the community but is

unable to do so without violating the separation distance between neighboring manufactured homes and accessory structures; that the variances are necessary to enable reasonable use of the property; that the exceptional practical difficulty was not created by the Applicant; that the property is quite narrow which greatly limits the buildable area thereof; that the neighboring lots are also narrow causing development of nearby lots to be nearer to lot lines / neighboring homes; that it appears impossible for a home to be placed on the property without violating the separation distance requirements; that the exceptional practical difficulty was created by the unique conditions of the property and the development of adjacent lots; that the variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate development of adjacent property nor be detrimental to the public welfare thereof; that she is seeking this variance to add to the conformity to the community and to modernize the homes within the community which will subsequently add value and improve the characteristics of the community / neighborhood; that the variances sought are the minimum variances necessary to afford relief and the variances represent the least modifications possible of the regulation at issue; that the home is the narrowest available and minimizes the need for variance on the property; that this year they are facing supply chain issues; that their manufacturer previously offered 30-60 floor plans between single-wide and double-wide but are currently offering 4-9 plans depending on single-wide or double-wide; that the manufacturer actually reduced their offering and it put them in a position to sacrifice 100-200 square feet of living space to select a smaller plan; that the manufacturer has done this to alleviate the supply chain issues and increase production; that their manufacturer is completing homes in about 4 months whereas others are out to about 12 months; that it is a financial burden on them to go with a different manufacturer; that the unit previously there has been removed; that the size of the proposed unit is 14 feet by 66 feet; that they will be utilizing the existing water and sewer services on site; that the buildings themselves will comply with the separation requirement but it is the stairs, landings, HVAC units, and sheds that create the need for variances; that the lot has been vacant since a few months after she started in October; that the structure was down to the studs and in disrepair; that it was surrendered by the previous owner; that she is the community manager at Sea Air; that homes are purchased by their parent company Sun Homes, sold to the potential tenant, and then land leased out by Sea Air Village; that the model selected is the smallest available through their manufacturer; that this model is no longer an option but the manufacturer has agreed to it because a request was submitted; that the next model size being offered is 16 feet by 66 feet; that the neighboring home on Lot A-10 has steps that encroach over the property line; that, to reduce the number of lots in the park, would require them to displace neighboring homes or wait for a tenant to potentially leave which could take years for an adjoining site; that there has been discussion in the past prior to her arrival of the adjustment of lot lines but it does not appear to be feasible based on the financial burden to both the park and the residents; that the proposed home will be in the same footprint but slightly larger than the former home; that there are 2 more available in this size before the increased model takes over; that there was a screen porch but she is unaware if there was formerly a shed; that, as a community, they try to provide a shed on each lot as it gives the tenants a dedicated storage area; that it aids with keeping the property clean; and that the sheds are placed on a concrete pad.

The Board found that no one appeared in support of or in opposition to the Application.

Mr. Williamson closed the public hearing.

Mr. Warfel moved to approve the application for Case No. 12709 for the requested variances, pending final written decision, for the following reasons:

1. The property has unique conditions due to its narrowness and the exceptionally small buildable area;
2. That, due to the physical conditions, the property cannot be developed in strict conformity with Sussex County Zoning Code and the variances are necessary to enable the reasonable use of the property;
3. The exceptional practical difficulty was not created by the Applicant;
4. 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; and
5. The variances represent the minimum variances necessary to afford relief.

Motion by Mr. Warfel, seconded by Dr. Carson, carried that the **variances be granted for the reasons stated**. Motion carried 3 – 0.

The vote by roll call; Dr. Carson – yea, Mr. Warfel – yea, and Mr. Williamson – yea.

Case No. 12710– Sea Air Village seek variances from the separation distance requirements for proposed structures (Sections 115-25 and 115-172 of the Sussex County Zoning Code). The property is located on the northwest side of Sea Air Avenue, Lot A28, within the Sea Air Village Manufactured Home Park. 911 Address: 19820 Sea Air Avenue, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-13.00-310.00-3354

Ms. Norwood presented the case and stated that the Applicant is requesting variances of 2.7 ft. from the 20 ft. separation requirement for the proposed manufactured home to the existing HVAC on Lot A-30, 6.7 ft. from the 20 ft. separation requirement for the proposed landing to the existing HVAC on Lot A-30, 2.6 ft. from the 20 ft. separation requirement for proposed landing to the existing manufactured home on Lot A-30, 7.8 ft. from the 20 ft. separation requirement for the proposed landing to the existing shed on Lot A-30, 3 ft. from the 10 ft. separation requirement for proposed shed to the existing shed on Lot A-30, 3.6 ft. from the 10 ft. separation requirement for the proposed manufactured home to the existing shed on Lot A-26, 6.8 ft. from the 20 ft. separation requirement for the proposed HVAC to the existing deck on Lot A-26, and 7.5 ft. from the 20 ft. separation requirement for the proposed manufactured home to the existing landing on Lot A-26.

Ms. Aimee Bennett was previously sworn in to give testimony about this Application.

Ms. Bennett testified that the uniquely narrow dimensions of this lot create a challenge placing

the manufactured home and maintaining minimum separation between homes and accessory structures; that this lot was laid out with others in the community in the 1960s; that the lot sizes are small in comparison with the size of the modern manufactured home; that she has selected a standard size floorplan for this home that is comparable to the other new homes in the community but is still unable to place it on the lot with the required setbacks; that the narrow shape of the lot makes it difficult to place a new manufactured home on the property consistent with others in the neighborhood while being in compliance with Sussex County Zoning Code; that she proposes to place a normal width sized manufactured home that is consistent with other new homes in the community but is unable to do so without violating the separation distance between neighboring manufactured homes and accessory structures; that the variances are necessary to enable reasonable use of the property; that the exceptional practical difficulty was not created by the Applicant; that the property is quite narrow which greatly limits the buildable area thereof; that the neighboring lots are also narrow causing development of nearby lots to be nearer to lot lines / neighboring homes; that it appears impossible for a home to be placed on the property without violating the separation distance requirements; that the exceptional practical difficulty was created by the unique conditions of the property and the development of adjacent lots; that the variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate development of adjacent property nor be detrimental to the public welfare thereof; that she is seeking these variances to add to the conformity to the community and to modernize the homes within the community which will subsequently add value and improve the characteristics of the community / neighborhood; that the variances sought are the minimum variances necessary to afford relief and the variances represent the least modifications possible of the regulation at issue; that the home is the narrowest available and minimizes the need for variance on the property; that there are two (2) smaller 4 foot by 4 foot sheds on the neighboring property; that the surrounding structures create the need for variances on this lot; that tenants are supposed to apply for permits through the community prior to obtaining a permit from the County and constructing on the property; that it is spelled out in their community guidelines; that they are taking steps within the community to correct some of the nonconforming issues; that the structures on the neighboring lot A-30 are encroaching more than they would like when trying to place on the lot at issue; that the neighbors are pleased to welcome a new addition to the community; that the prior home was dilapidated and demolished; and that the proposed manufactured home will be located in the same location as the prior home.

The Board found that no one appeared in support of or in opposition to the Application.

Mr. Williamson closed the public hearing.

Dr. Carson moved to approve the application for Case No. 12710 for the requested variances, pending final written decision, for the following reasons:

1. The property has unique conditions due to the exceptionally small buildable area;

2. 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; and
3. The variances represent the minimum variances necessary to afford relief.

Motion by Dr. Carson, seconded by Mr. Warfel, carried that the **variances be granted for the reasons stated.** Motion carried 3 – 0.

The vote by roll call; Dr. Carson – yea, Mr. Warfel – yea, and Mr. Williamson – yea.

Case No. 12711– Sea Air Village seek variances from the separation distance requirements for proposed structures (Sections 115-25 and 115-172 of the Sussex County Zoning Code). The property is located on the southeast side of Sea Air Avenue, Lot B83, within the Sea Air Village Manufactured Home Park. 911 Address: 19933 Sea Air Avenue, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-13.00-310.00-3030

Ms. Norwood presented the case and stated that the Applicant is requesting variances of 8.8 ft. from the 20 ft. separation distance requirement for proposed shed from the existing manufactured home on Lot B-81, 9.1 ft. from the 20 ft. separation distance requirement for proposed manufactured home from the existing shed on Lot C-84, 2.7 ft. from the 20 ft. separation distance requirement for proposed manufactured home from the existing HVAC on Lot B-85, 4.5 ft. from the 20 ft. separation distance requirement for proposed HVAC from the existing manufactured home on Lot B-85, and 1.2 ft. from the 20 ft. separation distance requirement for proposed manufactured home from the existing manufactured home on Lot B-85.

Ms. Aimee Bennett was previously sworn in to give testimony about this Application.

Ms. Bennett testified that the uniquely narrow dimensions of this lot create a challenge placing the manufactured home and maintaining minimum separation between homes and accessory structures; that this lot was laid out with others in the community in the 1960s; that the lot sizes are small in comparison with the size of the modern manufactured home; that she has selected a standard size floorplan for this home that is comparable to the other new homes in the community but is still unable to place it on the lot with the required setbacks; that the narrow shape of the lot makes it difficult to place a new manufactured home on the property consistent with others in the neighborhood while being in compliance with Sussex County Zoning Code; that she proposes to place a normal width sized manufactured home that is consistent with other new homes in the community but is unable to do so without violating the separation distance between neighboring manufactured homes and accessory structures; that the variances are necessary to enable reasonable use of the property; that the exceptional practical difficulty was not created by the Applicant; that the property is quite narrow which greatly limits the buildable area thereof; that the neighboring lots are also narrow causing development of nearby lots to be nearer to lot lines / neighboring homes; that it appears impossible for a home to be placed on the property without violating the separation distance

requirements; that the exceptional practical difficulty was created by the unique conditions of the property and the development of adjacent lots; that the variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate development of adjacent property, nor be detrimental to the public welfare thereof; that she is seeking this variance to add to the conformity to the community and to modernize the homes within the community which will subsequently add value and improve the characteristics of the community / neighborhood; that the variances sought are the minimum variances necessary to afford relief and the variances represent the least modifications possible of the regulation at issue; that the home is the narrowest available and minimizes the need for variance on the property; that this home is a larger floor plan as the manufacturer is no longer offering the smaller plans; that this home will measure 16 feet wide by 66 feet deep; that the former unit was removed prior to her start in October; that the proposed unit will be in the same or similar placement as the former unit; that there is over 20 ft. between the homes but the shed creates the need for variance; that the shed on the neighbor's property is not connected to the dwelling; that this home has not yet been placed on the lot; that there are no plans for decks or porches to be placed or installed by them; that the neighboring dwellings step encroach over the lot line for Lot B-81; that typically the secondary set of stairs are for an emergency exit and are not fashioned with a deck or landing and is just a point of egress; and that the neighbors are all pretty welcoming to the new additions to the community.

The Board found that no one appeared in support of or in opposition to the Application.

Mr. Williamson closed the public hearing.

Mr. Warfel moved to approve the application for Case No. 12711 for the requested variances, pending final written decision, for the following reasons:

1. The property has unique conditions due to its narrowness and the exceptionally small buildable area;
2. That, due to the physical conditions, the property cannot be developed in strict conformity with Sussex County Zoning Code and the variances are necessary to enable the reasonable use of the property;
3. The exceptional practical difficulty was not created by the Applicant;
4. 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; and
5. The variances represent the minimum variances necessary to afford relief.

Motion by Mr. Warfel, seconded by Dr. Carson, carried that the **variances be granted for the reasons stated**. Motion carried 3 – 0.

The vote by roll call; Dr. Carson – yea, Mr. Warfel – yea, and Mr. Williamson – yea.

Case No. 12712– Sea Air Village seek variances from the separation distance requirements for proposed structures (Sections 115-25 and 115-172 of the Sussex County Zoning Code). The property is located on the southeast side of Delaware Avenue, Lot J73, within the Sea Air Village Manufactured Home Park. 911 Address: 20073 Delaware Avenue, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-13.00-310.00-3435

Ms. Norwood presented the case and stated that the Applicant is requesting variances of 3.1 ft. from the 20 ft. separation distance requirement for proposed manufactured home from the existing manufactured home on Lot J-75, 5.7 ft. from the 20 ft. separation distance requirement for proposed manufactured home from the existing landing on Lot J-75, 5.6 ft. from the 20 ft. separation distance requirement for proposed HVAC from the existing manufactured home on Lot J-75, and 7.3 ft. from the 20 ft. separation distance requirement for proposed manufactured home from the existing landing on Lot J-75.

Ms. Aimee Bennett was previously sworn in to give testimony about this Application.

Ms. Bennett testified that the uniquely narrow dimensions of this lot create a challenge placing the manufactured home and maintaining minimum separation between homes and accessory structures; that this lot was laid out with others in the community in the 1960s; that the lot sizes are small in comparison with the size of the modern manufactured home; that she has selected a standard size floorplan for this home that is comparable to the other new homes in the community but is still unable to place it on the lot with the required setbacks; that the narrow shape of the lot makes it difficult to place a new manufactured home on the property consistent with others in the neighborhood while being in compliance with Sussex County Zoning Code; that she proposes to place a normal width sized manufactured home that is consistent with other new homes in the community but is unable to do so without violating the separation distance between neighboring manufactured homes and accessory structures; that the variances are necessary to enable reasonable use of the property; that the exceptional practical difficulty was not created by the Applicant; that the property is quite narrow which greatly limits the buildable area thereof; that the neighboring lots are also narrow causing development of nearby lots to be nearer to lot lines / neighboring homes; that it appears impossible for a home to be placed on the property without violating the separation distance requirements; that the exceptional practical difficulty was created by the unique conditions of the property and the development of adjacent lots; that the variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate development of adjacent property nor be detrimental to the public welfare thereof; that she is seeking these variances to add to the conformity to the community and to modernize the homes within the community which will subsequently add value and improve the characteristics of the community / neighborhood; that the variances sought are the minimum variances necessary to afford relief and the variances represent the least modifications possible of the regulation at issue; that the home is the narrowest available and minimizes the need for variances on the property; that, looking at the survey, all of the variances are on the backside of the home in relation to the neighboring home being built out and that, if they were to move the placement of the home over, they would require variances on the other side; that the home

measures 16 feet wide by 66 feet deep; that the survey does show the former dwelling and the proposed will be placed farther away from the property line; that it was placed to minimize the need for variance and maximize conformity; that the home previously on the property was uninhabitable; that she believes the neighbors are happy about the improvement; that this is the smallest available model to place on the lot at this time; and that this is an enhancement to the community based on the previous state of the lot.

The Board found that no one appeared in support of or in opposition to the Application.

Mr. Williamson closed the public hearing.

Dr. Carson moved to approve the application for Case No. 12712 for the requested variances, pending final written decision, for the following reasons:

1. The property has unique conditions due to the exceptionally small buildable area;
2. 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; and
3. The variances represent the minimum variances necessary to afford relief.

Motion by Dr. Carson, seconded by Mr. Warfel, carried that the **variances be granted for the reasons stated**. Motion carried 3 – 0.

The vote by roll call; Dr. Carson – yea, Mr. Warfel – yea, and Mr. Williamson – yea.

Mr. Chorman arrived at the meeting.

Case No. 12713– Sea Air Village seek variances from the separation distance requirements for proposed structures (Sections 115-25 and 115-172 of the Sussex County Zoning Code). The property is located on the southwest side of Center Avenue, Lot C62, within the Sea Air Village Manufactured Home Park. 911 Address: 19932 Center Avenue, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-13.00-310.00-3269

Ms. Norwood presented the case and stated that the Applicant is requesting variances of 8.7 ft. from the 20 ft. separation distance requirement for proposed shed from the existing manufactured home on Lot C-64, 2.8 ft. from the 20 ft. separation distance requirement for proposed HVAC from the existing manufactured home on Lot C-60, 7.3 ft. from the 20 ft. separation distance requirement for proposed manufactured home from the existing ramp on Lot C-60, and 9.5 ft. from the 20 ft. separation distance requirement for proposed HVAC from the existing ramp on Lot C-60.

Ms. Aimee Bennett was previously sworn in to give testimony about this Application.

Ms. Bennett testified that the uniquely narrow dimensions of this lot create a challenge placing the manufactured home and maintaining minimum separation between homes and accessory structures; that this lot was laid out with others in the community in the 1960s; that the lot sizes are small in comparison with the size of the modern manufactured home; that she has selected a standard size floorplan for this home that is comparable to the other new homes in the community but is still unable to place it on the lot with the required setbacks; that the narrow shape of the lot makes it difficult to place a new manufactured home on the property consistent with others in the neighborhood while being in compliance with Sussex County Zoning Code; that she proposes to place a normal width sized manufactured home that is consistent with other new homes in the community but is unable to do so without violating the separation distance between neighboring manufactured homes and accessory structures; that the variances are necessary to enable reasonable use of the property; that the exceptional practical difficulty was not created by the Applicant; that the property is quite narrow which greatly limits the buildable area thereof; that the neighboring lots are also narrow causing development of nearby lots to be nearer to lot lines / neighboring homes; that it appears impossible for a home to be placed on the property without violating the separation distance requirements; that the exceptional practical difficulty was created by the unique conditions of the property and the development of adjacent lots; that the variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate development of adjacent property nor be detrimental to the public welfare thereof; that she is seeking these variances to add to the conformity to the community and to modernize the homes within the community which will subsequently add value and improve the characteristics of the community / neighborhood; that the variances sought are the minimum variances necessary to afford relief and the variances represent the least modifications possible of the regulation at issue; that the home is the narrowest available and minimizes the need for variance on the property; that, on this particular lot, the neighboring home to the east has an access ramp on a buildout which is creating the need for variance; that there are no issues from the neighbors with the new placement; that the former dwelling had been removed prior to her arrival; that the proposed dwelling will be placed in a similar location as the former dwelling; that the shed is necessary because they are manufactured homes of a single-wide dimension and they use the sheds to keep the park clean; that they put sheds measuring 8 feet by 10 feet on the lots; that the largest shed they allow is 10 feet by 10 feet; and that the shed would not need a variance if it were not for the neighboring structures.

The Board found that no one appeared in support of or in opposition to the Application.

Mr. Williamson closed the public hearing.

Mr. Warfel moved to approve the application for Case No. 12713 for the requested variances, pending final written decision, for the following reasons:

1. The property has unique conditions due to its narrowness and the exceptionally small buildable area;
2. That the variances are necessary to enable the reasonable use of the property;

3. The exceptional practical difficulty was not created by the Applicant;
4. 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; and
5. The variances represent the minimum variances necessary to afford relief.

Motion by Mr. Warfel, seconded by Mr. Chorman, carried that the **variances be granted for the reasons stated**. Motion carried 4 – 0.

The vote by roll call; Dr. Carson – yea, Mr. Chorman, Mr. Warfel – yea, and Mr. Williamson – yea.

Case No. 12714– Sea Air Village seek variances from the separation distance requirements for proposed structures (Sections 115-25 and 115-172 of the Sussex County Zoning Code). The property is located on the southeast side of Center Avenue, Lot D75, within the Sea Air Village Manufactured Home Park. 911 Address: 19949 Center Avenue, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-13.00-310.00-3379

Ms. Norwood presented the case and stated that the Applicant is requesting variances of 4.2 ft. from the 20 ft. separation distance requirement for proposed manufactured home from the existing landing on Lot D-73, 6.7 ft. from the 20 ft. separation distance requirement for proposed landing from the existing manufactured home on Lot D-73, and 2.9 ft. from the 20 ft. separation distance requirement for proposed HVAC from the existing manufactured home on Lot D-77.

Ms. Aimee Bennett was previously sworn in to give testimony about this Application.

Ms. Bennett testified that the uniquely narrow dimensions of this lot create a challenge placing the manufactured home and maintaining minimum separation between homes and accessory structures; that this lot was laid out with others in the community in the 1960s; that the lot sizes are small in comparison with the size of the modern manufactured home; that she has selected a standard size floorplan for this home that is comparable to the other new homes in the community but is still unable to place it on the lot with the required setbacks; that the narrow shape of the lot makes it difficult to place a new manufactured home on the property consistent with others in the neighborhood while being in compliance with Sussex County Zoning Code; that she proposes to place a normal width sized manufactured home that is consistent with other new homes in the community but is unable to do so without violating the separation distance between neighboring manufactured homes and accessory structures; that the variances are necessary to enable reasonable use of the property; that the exceptional practical difficulty was not created by the Applicant; that the property is quite narrow which greatly limits the buildable area thereof; that the neighboring lots are also narrow causing development of nearby lots to be nearer to lot lines / neighboring homes; that it appears impossible for a home to be placed on the property without violating the separation distance requirements; that the exceptional practical difficulty was created by the unique conditions of the

property and the development of adjacent lots; that the variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate development of adjacent property nor be detrimental to the public welfare thereof; that she is seeking these variances to add to the conformity to the community and to modernize the homes within the community which will subsequently add value and improve the characteristics of the community / neighborhood; that the variances sought are the minimum variances necessary to afford relief and the variances represent the least modifications possible of the regulation at issue; that the home is the narrowest available and minimizes the need for variances on the property; that the prior home was in the same location as the proposed home; that the neighbors are okay with the new dwelling; that this is the smallest model available at this time; that the separation distance between dwellings is there but the variances are needed for the additional items; and that the average mobile home measured 10 feet by 50 feet when the community was developed.

The Board found that no one appeared in support of or in opposition to the Application.

Mr. Williamson closed the public hearing.

Mr. Chorman moved to approve the application for Case No. 12714 for the requested variances, pending final written decision, for the following reasons:

1. The property has unique conditions due to its narrowness and the exceptionally small buildable area;
2. The exceptional practical difficulty was not created by the Applicant; and
3. 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.

Motion by Mr. Chorman, seconded by Mr. Warfel, carried that the **variances be granted for the reasons stated**. Motion carried 4 – 0.

The vote by roll call; Dr. Carson – yea, Mr. Warfel– yea, Mr. Chorman – yea, and Mr. Williamson – yea.

Case No. 12715– Sea Air Village seek variances from the separation distance requirements for proposed structures (Sections 115-25 and 115-172 of the Sussex County Zoning Code). The property is located on the northwest side of Sea Air Avenue, Lot A14, within the Sea Air Village Manufactured Home Park. 911 Address: 19792 Sea Air Avenue, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-13.00-310.00-3101

Ms. Norwood presented the case and stated that the Applicant is requesting variances of 4.3 ft. from the 20 ft. separation distance requirement for proposed landing from the existing manufactured home on Lot A-16, 0.3 ft. from the 20 ft. separation distance requirement for proposed

manufactured home from the existing manufactured home on Lot A-16, 4.2 ft. from the 20 ft. separation distance requirement for proposed landing from the existing manufactured home on Lot A-16, 0.2 ft. from the 20 ft. separation distance requirement for proposed manufactured home from the existing manufactured home on Lot A-16, and 4.6 ft. from the 20 ft. separation distance requirement for proposed HVAC from the existing landing on Lot A-12.

Ms. Aimee Bennett was sworn in to give testimony about this Application.

Ms. Bennett testified that the uniquely narrow dimensions of this lot create a challenge placing the manufactured home and maintaining minimum separation between homes and accessory structures; that this lot was laid out with others in the community in the 1960s; that the lot sizes are small in comparison with the size of the modern manufactured home; that she has selected a standard size floorplan for this home that is comparable to the other new homes in the community but is still unable to place it on the lot with the required setbacks; that the narrow shape of the lot makes it difficult to place a new manufactured home on the property consistent with others in the neighborhood while being in compliance with Sussex County Zoning Code; that she proposes to place a normal width sized manufactured home that is consistent with other new homes in the community but is unable to do so without violating the separation distance between neighboring manufactured homes and accessory structures; that the variances are necessary to enable reasonable use of the property; that the exceptional practical difficulty was not created by the Applicant; that the property is quite narrow which greatly limits the buildable area thereof; that the neighboring lots are also narrow causing development of nearby lots to be nearer to lot lines / neighboring homes; that it appears impossible for a home to be placed on the property without violating the separation distance requirements; that the exceptional practical difficulty was created by the unique conditions of the property and the development of adjacent lots; that the variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate development of adjacent property nor be detrimental to the public welfare thereof; that she is seeking these variances to add to the conformity to the community and to modernize the homes within the community which will subsequently add value and improve the characteristics of the community / neighborhood; that the variances sought are the minimum variances necessary to afford relief and the variances represent the least modifications possible of the regulation at issue; that the home is the narrowest available and minimizes the need for variances on the property; that the former home was abandoned on site; that the replacement dwelling will be narrower but longer; that the existing unit had a full size addition that doubled the size of the dwelling; and that information regarding the neighboring lots on the survey is accurate to the best of her knowledge.

The Board found that no one appeared in support of or in opposition to the Application.

Mr. Williamson closed the public hearing.

Dr. Carson moved to approve the application for Case No. 12715 for the requested variances, pending final written decision, for the following reasons:

1. The property has unique conditions;
2. 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; and
3. The variances represent the minimum variances necessary to afford relief.

Motion by Dr. Carson, seconded by Mr. Warfel, carried that the **variances be granted for the reasons stated.** Motion carried 4 – 0.

The vote by roll call; Mr. Chorman, Mr. Warfel – yea, Dr. Carson – yea, and Mr. Williamson – yea.

Case No. 12716– Sea Air Village seeks variances from the separation distance requirements for proposed structures (Sections 115-25 and 115-172 of the Sussex County Zoning Code). The property is located on the southeast side of Sea Air Avenue, Lot E56, within the Sea Air Village Manufactured Home Park. 911 Address: 20004 Atlantic Avenue, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-13.00-310.00-3058

Ms. Norwood presented the case and stated that the Applicant is requesting variances of 9.3 ft. from the 20 ft. separation distance requirement for proposed landing from the existing addition on Lot E-58, 7.4 ft. from the 20 ft. separation distance requirement for proposed manufactured home to existing addition and deck from the existing addition and deck on Lot E-58, and 8.3 ft. from the 20 ft. separation distance requirement for proposed manufactured home from the existing shed on Lot E-54.

Ms. Aimee Bennett was sworn in to give testimony about this Application.

Ms. Bennett testified that the uniquely narrow dimensions of this lot create a challenge placing the manufactured home and maintaining minimum separation between homes and accessory structures; that this lot was laid out with others in the community in the 1960s; that the lot sizes are small in comparison with the size of the modern manufactured home; that she has selected a standard size floorplan for this home that is comparable to the other new homes in the community but is still unable to place it on the lot with the required setbacks; that the narrow shape of the lot makes it difficult to place a new manufactured home on the property consistent with others in the neighborhood while being in compliance with Sussex County Zoning Code; that she proposes to place a normal width sized manufactured home that is consistent with other new homes in the community but is unable to do so without violating the separation distance between neighboring manufactured homes and accessory structures; that the variances are necessary to enable reasonable use of the property; that the exceptional practical difficulty was not created by the Applicant; that the property is quite narrow which greatly limits the buildable area thereof; that the neighboring lots are also narrow causing development of nearby lots to be nearer to lot lines / neighboring homes; that it appears

impossible for a home to be placed on the property without violating the separation distance requirements; that the exceptional practical difficulty was created by the unique conditions of the property and the development of adjacent lots; that the variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate development of adjacent property, nor be detrimental to the public welfare thereof; that she is seeking these variances to add to the conformity to the community and to modernize the homes within the community which will subsequently add value and improve the characteristics of the community / neighborhood; that the variances sought are the minimum variances necessary to afford relief and the variances represent the least modifications possible of the regulation at issue; that the home is the narrowest available and minimizes the need for variance on the property; that there is on an adjoining lot of E-58 a structure that encroaches almost 6 ft. in to this lot, which was a permitted structure; that this encroachment has created the need for variance on this property; that they chose a smaller shed to compensate for the issue created by the neighboring encroachment; that the structures still could not be placed without a variance; and that the proposed dwelling will be placed more in compliance with the Code than the former dwelling.

The Board found that no one appeared in support of or in opposition to the Application.

Mr. Williamson closed the public hearing.

Mr. Warfel moved to approve the application for Case No. 12716 for the requested variances, pending final written decision, for the following reasons:

1. The property has unique conditions due to its narrowness and the exceptionally small buildable area;
2. That, due to the physical conditions, the property cannot be developed in strict conformity with Sussex County Zoning Code and the variances are necessary to enable the reasonable use of the property;
3. The exceptional practical difficulty was not created by the Applicant;
4. 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; and
5. The variances represent the minimum variances necessary to afford relief.

Motion by Mr. Warfel, seconded by Mr. Chorman, carried that the **variance be granted for the reasons stated.** Motion carried 4 – 0.

The vote by roll call; Dr. Carson – yea, Mr. Chorman, Mr. Warfel – yea and Mr. Williamson – yea.

ADDITIONAL BUSINESS

Annual Reorganization

Ms. Norwood opened nominations for Board Chairman.

Ms. Norwood called for nominations for Chair.

Dr. Carson nominated Mr. Chorman for Chair.

There were no other nominations.

Ms. Norwood closed the nominations.

The vote was 3-0 in favor.

The vote by roll call; Mr. Warfel – yea, Mr. Williamson – yea, and Dr. Carson – yea.

Mr. Chorman called for nominations for Board Secretary.

Mr. Chorman nominated Dr. Carson as Vice-Chair.

There were no other nominations.

Ms. Norwood closed the nominations.

The vote was 3-0 in favor.

The vote by roll call; Mr. Warfel – yea, Mr. Williamson – yea, and Mr. Chorman – yea.

Mr. Chorman called for nominations for Board Secretary.

Dr. Carson nominated the Director of Planning & Zoning, Assistant Director of Planning and Zoning, or his/her designee as Board secretary.

There were no other nominations.

The vote was 4-0 in favor.

The vote by roll call; Mr. Williamson – yea, Dr. Carson – yea, Mr. Warfel – yea, and Mr. Chorman – yea.

Meeting adjourned at 7:27 p.m.