

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

**IN RE: JUDITH, KYLE, & MALLORY RHODES**

**Case No. 10873 – 2011**

A hearing was held after due notice on October 3, 2011. The Board members present were: Mr. Dale Callaway, Mr. Ronald McCabe, Mr. John Mills, Mr. Brent Workman, and Mr. Jeff Hudson.

Nature of the Proceedings

This is an application for a variance from the minimum square footage for a parcel and a variance from the required lot coverage requirement.

Finding of Facts

The Board found that the Applicant was seeking a variance from minimum square footage requirements for a parcel, and a variance from the maximum lot coverage for a parcel east of Old Landing Road, north of Magnolia Road, Lot 16, Pine Valley Mobile Home Park. The Applicant was requesting a 2,063 sq. ft. variance from the required 5,000 sq. ft. lot size requirement, and a 28.05 sq. ft. variance from the 35% lot coverage limit for a manufactured home. After a hearing, the Board made the following findings of fact:

1. Pine Valley Mobile Home Park is a cooperative owned and controlled by the tenants. In order to make improvements, tenants must obtain permits from the County and from its own Board of Directors.
2. The Applicant obtained a permit for a new manufactured home; however, that application was denied by the Board of Directors.
3. In July 2011, the Board had a survey completed which revealed numerous encroachments. Since the new lot lines are not perpendicular, a number of unique lots have been created, prompting a practical difficulty in this particular case.
4. The Applicant negotiated a modification of lot lines in order eliminate encroachments as to lot 16, but the lot has insufficient area, even though it is larger than before.
5. The Board determined that the Application met the standards for granting a variance. Lots are unique as a result of the new lot lines, the lot cannot be developed in strict conformity without a variance, the variance is necessary to enable reasonable use of the property, the difficulty present was not created by the Applicant, and the variance in placement of the manufactured home will not alter the essential character of the neighborhood.
5. Several individuals appeared in support of the application, and no persons appeared in opposition.

The Board granted the requested variances.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board members voting in favor were: Mr. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman, and Mr. Hudson; voting against – none.

**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 November 22, 2011.