

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: BAYSHORE, INC. (Case No. 10954)

A hearing was held after due notice on March 19, 2012. The Board members present were: Mr. Dale Callaway, 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 separation requirement between units in a mobile home park and for a variance from the maximum allowable lot coverage in a mobile home park.

Findings of Fact

The Board found that the Applicant was seeking the following variances: 1) a variance of 2 feet from the required 20 foot separation between units in a mobile home park for a proposed manufactured home and an existing deck, 2) a variance of 5 feet from the required 20 foot separation between units in a mobile home park for a proposed manufactured home, addition, and shed, and 3) a variance of 188 square feet from the required 35% maximum allowable lot coverage in a mobile home park. The Applicant has requested that the aforementioned requested variances be granted as it pertains to certain real property located north of Road 358 (Sandy Cove Road) northeast of Rabbit Road, being Lot 101 within Bayshore Mobile Home Park; said property being identified as Sussex County Tax Map Parcel Number 1-34-9.00-94.01 Park C 20772. After a hearing, the Board made the following findings of fact:

1. The Board found that Brett Cox testified on behalf of the Applicant.
2. The Board found that Mr. Cox testified that the Applicant has a tenant who wants to place a new manufactured home on the Property (Lot 101) which has been vacant for years and that the existing manufactured home on the adjacent lot (Lot 102) has been on the lot since the 1970's and is only a couple of feet from the lot line separating the two parcels.
3. The Board found that Mr. Cox testified that the existing deck on the adjacent lot to the other side of the Property (Lot 100) creates the need for a variance on the other side of the proposed unit.
4. The Board found that Mr. Cox testified that most of the units in the park are five (5) feet from side property line to allow room for decks and sheds and that the proposed use of the Property allows the park to keep a uniformed look throughout the park.
5. The Board found that Mr. Cox testified that the proposed unit measures 14 feet by 70 feet and the length of the proposed unit would meet the front and rear yard setback requirements.
6. The Board found that Mr. Cox testified that the proposed deck will be eight (8) feet wide which is consistent with other decks in the neighborhood.
7. The Board found that Mr. Cox testified that the unit could comply with zoning requirements if they did not construct a deck but that a variance would be needed to put a shed on the Property.
8. The Board found that Mr. Cox testified that the park was created in the 1960's making the property unique; that the variance will enable reasonable use of the property; that it will not alter the character of the neighborhood; and that it is the minimum variance to afford relief.
9. The Board found that no parties appeared in opposition to or in support of the Application.
10. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application failed to meet

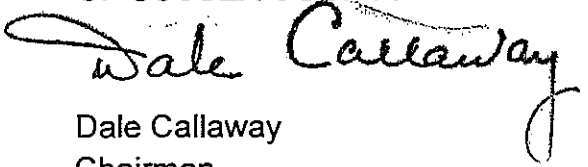
the standards for granting a variance because the Property could otherwise be developed and the difficulty was created by the Applicant.

The Board denied the variance application finding that it failed to meet the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the application was denied. The Board Members denying the Application were Mr. Dale Callaway, Mr. Norman Rickard, and Mr. Brent Workman. Mr. Jeff Hudson and Mr. John Mills voted to approve the Application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


Dale Callaway
Chairman

Date April 17, 2012