

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: STEPHEN K. HAYS AND RUTH ANN HAYS (Case No. 10962)

A hearing was held after due notice on April 16, 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 special use exception to place a multi-sectional manufactured home that is more than five (5) years old.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to place a multi-sectional manufactured home that is more than five (5) years old on certain real property located west of County Road 600 (St. Johnstown Road) approximately 0.55 miles south of Route 16 (Beach Highway); said property being identified as Sussex County Tax Map Parcel Number 4-30-8.00-4.00. After a hearing, the Board made the following findings of fact:

1. Stephen K. Hays and Ruth Ann Hays were present to testify on behalf of the Application.
2. The Board found that the Applicants testified that they moved to Delaware to care for Mrs. Hays' parents.
3. The Board found that the Applicants testified that they purchased a double-wide manufactured home and that they plan to place the unit on Mrs. Hays' parents' property, which has been subdivided.
4. The Board found that the Applicants testified that they plan to move her parents in with them so that they can take care of them.
5. The Board found that the Applicants testified that the existing dwelling on the Property is in poor condition and is unliveable.
6. The Board found that the Applicants testified that the unit is a 2006 model and missed the age requirement by eight (8) weeks.
7. The Board found that the Applicants testified that the unit measures 28' x 80' and is in excellent condition.
8. The Board found that the Applicants testified that the unit will be on a block foundation and that they have obtained all the necessary permits except the placement permit for the unit.
9. The Board found that the Applicants testified that they were unaware of the age requirement of the unit until they applied for the placement permit.
10. The Board found that the Applicants submitted pictures in support of the Application.
11. The Board found that no one appeared in opposition to or in support of the Application.
12. Based on the findings above and the testimony presented at the public hearing, the Board determined that the application met the standards for granting a special use exception because the use does not substantially affect adversely the uses of adjacent or neighboring properties.
13. The approval of the Application was conditioned on the stipulation that the multi-sectional house be installed on a permanent foundation.

The Board granted the special use exception application with the stipulation that the multi-sectional house be installed on a permanent foundation finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the application was granted with the stipulation that the multi-sectional house be installed on a permanent foundation. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the 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 May 8, 2012