

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DONNA LEE SCHURMAN, TRUSTEE OF

ALPHONSO E. STEVENS TRUST (Case No. 10983)

A hearing was held after due notice on June 4, 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 operate retain a manufactured home on less than five (5) acres.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to retain a manufactured home on less than five (5) acres on certain real property located west of Road 594 (Webb Farm Road) approximately 2,006 feet north of Road 630 (Century Farm Road); said property being identified as Sussex County Tax Map Parcel Number 1-30-12.00-2.00. After a hearing, the Board made the following findings of fact:

1. Donna Lee Schurman and Gladys Passwaters were present to testify on behalf of the Application. Heidi Gilmore, Esquire, also appeared on behalf of the Applicant.
2. The Board found that Ms. Passwaters testified that her father owned the Property but he is now deceased and his daughters want to subdivide the Property.
3. The Board found that Ms. Passwaters testified that the manufactured home has been on the Property since 1973 and that at that time the manufactured home was permitted and code compliant.
4. The Board found that Ms. Passwaters testified that the proposed subdivision creates the need for the special use exception.
5. The Board found that Ms. Passwaters testified that Gladys Passwaters lives in the manufactured home and will inherit the Property from her father's estate.
6. The Board found that Ms. Passwaters testified that the adjacent property was sold from the estate and the new owners have no objection to the Application.
7. The Board found that Ms. Passwaters testified that the use will have no adverse affect to the neighboring or adjacent properties.
8. The Board found that one party appeared in support of the Application.
9. The Board found that no one appeared in opposition of the Application.
10. 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.

The Board granted the special use exception application 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. 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 July 3, 2012