

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: HELEN E. PETERSON, HEIRS,

c/o HERSCHEL SHOWELL (Case No. 11056)

A hearing was held after due notice on October 1, 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 manufactured home in a Medium Density District (MR).

Findings of Fact

The Board found that the Applicant was seeking a special use exception to place a manufactured home in a Medium Density District (MR). The Applicant has requested that the aforementioned requested special use exception be granted as it pertains to certain real property located north of Armory Road approximately 410 feet west of Road 340 (Townsend's Road); said property being identified as Sussex County Tax Map Parcel Number 4-33-6.00-41.00. After a hearing, the Board made the following findings of fact:

1. Herschel Showell was sworn in and testified on behalf of the Applicant.
2. The Board found that Mr. Showell testified that the existing unit has been on the lot since the 1960's.
3. The Board found that Mr. Showell testified that he is a Veteran and the Veteran's Administration has a program which provided the Applicant with a newer manufactured home.
4. The Board found that Mr. Showell testified that the newer unit is a 1979 model and that both units are currently on the Property.
5. The Board found that Mr. Showell testified that he plans to demolish the older unit.
6. The Board found that Mr. Showell testified that he has lived on the Property for 15 years and he has never received a complaint about the manufactured home.
7. The Board found that Mr. Showell testified that, if he is unable to replace the unit, he will be homeless.
8. The Board found that Mr. Showell testified that there is one other manufactured home in the area.
9. The Board found that Mr. Showell testified that the property behind the Property is wooded and contains approximately 10 acres.
10. The Board found that Jack Gumm was sworn in and testified in opposition to the Application.
11. The Board found that Mr. Gumm testified that he has lived across the road from the Property since the 1970's.
12. The Board found that Mr. Gumm testified that Helen Peterson grew up on the Property and that the Applicant moved onto the Property in the 1990's.
13. The Board found that Mr. Gumm testified that Mr. Gumm maintained the Property for Ms. Peterson prior to the Applicant's occupancy of the Property but the Applicant has not always maintained the Property.
14. The Board found that Mr. Gumm testified that he feels the unit should be replaced with a newer model as the current unit is in poor shape.
15. The Board found that Mr. Gumm testified that a newer home would be an improvement and that he would like the unit to be skirted since the older manufactured home was skirted.

16. The Board found that Mr. Showell testified that he plans to paint the unit and have the required skirting around that unit.
17. The Board found that two (2) parties appeared in support of the Application.
18. The Board found that one (1) party appeared in opposition to the Application.
19. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a special use exception. The proposed use does not substantially affect adversely the uses of the adjacent and neighboring properties. The Board conditioned its approval on the Applicant removing the older manufactured home from the Property and that the newer manufactured home be skirted.

The Board approved the special use exception application finding that it met the standards for granting a special use exception with the conditions that the older manufactured home be removed and the newer manufactured home be skirted.

Decision of the Board

Upon motion duly made and seconded, the Application was approved. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Norman Rickard. No Member voted against the Motion to Approve 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.

A placement permit must be obtained before the manufactured home is placed on the property.

Date November 7, 2012