

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MARVEL PROPERTIES, LLC (Case No. 11077)

A hearing was held after due notice on October 15, 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 retain a manufactured home on less than five (5) acres and a variance from front yard setback requirement.

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 and a 5.9 foot variance from the 40 foot front yard setback requirement for an existing manufactured home. The Applicant has requested that the aforementioned requested special use exception and variance be granted as they pertain to certain real property located south of Road 325 (Bull Pine Road) approximately 1,185 feet southeast of Road 469 (Parker Road); said property being identified as Sussex County Tax Map Parcel Number 1-33-1.00-8.00. After a hearing, the Board made the following findings of fact:

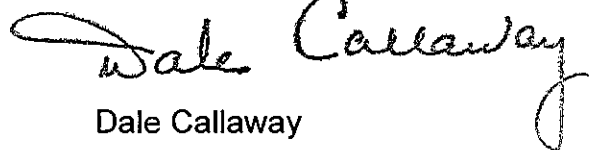
1. Bob Nash sworn in and testified on behalf of the Applicant.
2. The Board found that Mr. Nash testified that the manufactured home has been on the lot since the 1960's.
3. The Board found that Mr. Nash testified that in 1992 a Conditional Use was approved for an auto repair shop on the Property.
4. The Board found that Mr. Nash testified that the Applicant wants to subdivide the parcel and give a portion to an employee.
5. The Board found that Mr. Nash testified that the variance will not alter the essential character of the neighborhood.
6. The Board found that Mr. Nash testified that the right of way along the adjacent road was increased from 30 feet to 50 feet in size and created the encroachment.
7. The Board found that Mr. Nash testified that the variance enables reasonable use of the Property.
8. The Board found that Mr. Nash testified that the variance requested is the minimum variance to afford relief.
9. The Board found that Mr. Nash testified that the variance will not be detrimental to the public welfare.
10. The Board found that Mr. Nash submitted photographs of the Property.
11. The Board found that no parties appeared in support of or in opposition to the Application.
12. 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.
13. 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 variance. The Property is unique due to the expanded right-of-way and the non-conforming manufactured home. The variance will enable reasonable use of the Property. The difficulty was not created by the Applicant. The variance will not alter the essential character of the neighborhood. The variance sought is the minimum variance to afford relief.

The Board approved the special use exception application finding that it met the standards for granting a special use exception. The Board approved the variance application finding that it met the standards for granting a variance.

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.

Date November 7, 2012