

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CMH HOMES (Case No. 11138)

A hearing was held after due notice on January 7, 2013. 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 of the minimum square footage for a parcel requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 15,539 square feet from the minimum square footage requirement of 32,670 square feet for a parcel. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Road 402 (Blueberry Lane) approximately 2,000 feet west of Route 113 (DuPont Boulevard); said property being identified as Sussex County Tax Map Parcel Number 4-33-6.00-23.00. After a hearing, the Board made the following findings of fact:

1. Gil Fleming and Mary Harding were sworn in and testified on behalf of the Application.
2. The Board found that Mr. Fleming testified that that the Property was advertised by a real estate agent as a Class "C" double-wide lot and that the customer purchased a double-wide manufactured home.
3. The Board found that Mr. Fleming testified that the Property was part of a larger parcel that was previously subdivided.
4. The Board found that Ms. Harding testified that the Property was originally advertised as a Class "C" property by the original realtor and that the original realtor believed that a Class "C" manufactured home was permissible on the Property.
5. The Board found that Ms. Harding testified that there were several calls made to the Planning and Zoning Department by all parties involved to verify that this Property could in fact have a double-wide manufactured home placed on it and were assured that the lot would permit a double-wide manufactured home.
6. The Board found that Ms. Harding testified that when applying for the manufactured home placement permit they were advised the lot was too small to permit a double-wide manufactured home.
7. The Board found that Mr. Fleming testified that the Board previously granted a variance for this Property in Case Number 11122.
8. The Board found that Mr. Fleming testified that the sales contract is contingent on whether a variance will be obtained to allow for the placement of the manufactured home.
9. The Board found that Mr. Fleming testified that there are other manufactured homes in the area.
10. The Board found that Mr. Fleming submitted to the Board a copy of the sales agreement.
11. The Board found that Melissa Jones was sworn in and testified in support of the Application and stated that she also called the Planning and Zoning Department to verify that the proposed manufactured home could be placed on this property, prior to the sale, and was also told that the unit could be placed on the lot.
12. The Board found that two (2) parties appeared in support of the Application.
13. The Board found that no parties appeared in opposition to the Application.

14. 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 lot is undersized and unique in shape. The Property cannot be otherwise developed in strict conformity with the Sussex County Zoning Ordinance. The variance is necessary to 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 as there are similar uses in the neighborhood. The variance sought is the minimum variance to afford relief.

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, Mr. Norman Rickard, and Mr. Brent Workman. 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 January 30, 2013