

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: PERRY STUTMAN & SHEILA STUTMAN (Case No. 11144)

A hearing was held after due notice on January 28, 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 from the separation requirement between units in a mobile home park.

Findings of Fact

The Board found that the Applicant was requesting a variance of 14 feet from the 20 feet separation requirement between units in a mobile home park for an existing porch. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Route 54 (Lighthouse Road) east of Spicer Lane, being Lot 4 within Mason Dixon a Mobile Home Park; said property being identified as Sussex County Tax Map Parcel Number 1-34-23.20-70.00-Unit 9973. After a hearing, the Board made the following findings of fact:

1. Perry Stutman was sworn in and testified on behalf of the Application.
2. The Board found that Mr. Stutman testified that the unit is a 1969 model and that the unit is 10 feet by 48 feet in size.
3. The Board found that Mr. Stutman testified that a 10 feet by 20 feet addition was built on the unit prior to the Applicant purchasing the unit.
4. The Board found that Mr. Stutman testified that the existing roof leaked and had to be repaired.
5. The Board found that Mr. Stutman testified that he had an "A" type roof constructed over the existing unit and addition.
6. The Board found that Mr. Stutman testified that the existing patio is 10 feet by 10 feet in size and was raised.
7. The Board found that Mr. Stutman testified that the roof extended to create a screen porch.
8. The Board found that Mr. Stutman testified that the existing structures do not exceed the original footprint.
9. The Board found that Mr. Stutman testified that when he submitted plans and obtained the building permits he was not aware of the 20 feet separation requirement.
10. The Board found that Mr. Stutman testified that the manufactured home community was established in the 1960s.
11. The Board found that Mr. Stutman testified that the units in the community do not meet the separation requirement.
12. The Board found that Mr. Stutman testified that the screen porch offers a peaceful space to relax outdoors and that the variance will allow the Applicants to reasonably use the Property.
13. The Board found that Mr. Stutman testified that neighbors have complimented the Applicants on the porch.
14. The Board found that Mr. Stutman testified that the porch will enhance the character of the neighborhood.
15. The Board found that Mr. Stutman testified that the Property is unique.
16. The Board found that Mr. Stutman testified that the Property cannot be developed in strict conformity with the Sussex County Zoning Ordinance.
17. The Board found that Mr. Stutman testified that the difficulty was not created by the Applicants.

18. The Board found that Mr. Stutman testified that the variance will not alter the character of the neighborhood.
19. The Board found that Mr. Stutman testified that the variance sought is the minimum variance necessary to afford relief.
20. The Board found that Mr. Stutman submitted a packet of documents to the Board to review.
21. The Board found that two (2) parties appeared in support of the Application.
22. The Board found that no parties appeared in opposition to the Application.
23. 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 age of the mobile home park creates a unique situation. The variance is necessary to enable reasonable use of the Property. The difficulty was not created by the Applicants. The variance will not alter the essential character of the neighborhood. The variance sought is the minimum variance necessary to afford relief. The variance will not be detrimental to the public welfare.

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 February 19, 2013