

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: FITZGERALD DEPUTY TEATOWN ROAD, LLC

(Case No. 11188)

A hearing was held after due notice on April 1, 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 special use exception to retain a single wide manufactured home on less than ten (10) acres and a variance from the front yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to retain a single wide manufactured home on less than ten (10) acres and a variance of 6.8 feet from the 40 feet front yard setback requirement for an existing manufactured home. This application pertains to certain real property located south of Road 616 (Teatown Road) approximately 5,144.50 feet east of Road 615 (Hidden Meadow Lane); said property being identified as Sussex County Tax Map Parcel Number 1-30-5.00-9.00. After a hearing, the Board made the following findings of fact:

1. Kirby Fitzgerald and Bob Nash were sworn in to testify on behalf of the Application.
2. The Board found that Mr. Nash testified that the manufactured home is on a small portion of land on an existing farm and the rest of the farm is located across the street.
3. The Board found that Mr. Nash testified that the Applicant plans to sell the Property.
4. The Board found that Mr. Nash testified that the Applicant wishes to subdivide this small portion of the Property which houses the existing manufactured home and use the existing unit for a long standing employee of the Applicant.
5. The Board found that Mr. Nash testified that the Property will be sold to their tenant.
6. The Board found that Mr. Nash testified that the unit has been on the lot since the 1970's.
7. The Board found that Mr. Nash testified that the irregular lot creates a hardship and that the property line also runs with an existing ditch.
8. The Board found that Mr. Nash testified that the Property cannot be built in strict conformity with the Sussex County Zoning Code.
9. The Board found that Mr. Nash testified that the variance is necessary to enable reasonable use of the Property.
10. The Board found that Mr. Nash testified that the difficulty was not created by the Applicant.
11. The Board found that Mr. Nash testified that use and variance will not alter the essential character of the neighborhood.
12. The Board found that Mr. Nash testified that there are five (5) other manufactured homes in the area.
13. The Board found that Mr. Nash testified that stick-built dwellings have been constructed since the existence of the manufactured home so those neighbors were aware of the existence of the manufactured home when they built their dwellings.

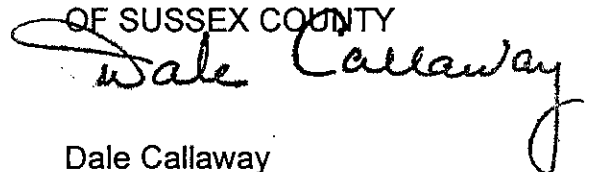
14. The Board found that Mr. Nash testified that the dwelling is partially obstructed by woods.
15. The Board found that Mr. Nash testified that the variance sought is the minimum variance to afford relief.
16. The Board found that Mr. Nash testified that the variance will have no adverse effect on property values.
17. The Board found that no parties appeared in support of or in opposition to the Application.
18. 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 will not substantially affect adversely the uses of adjacent or neighboring properties. The Board also determined that the Application met the standards for granting a variance for the following reasons. The Property is unique in shape and it is separated from the main property by an existing street. 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. The variance sought is the minimum variance necessary to afford relief.

The Board granted the special use exception and variance application because the Applicant has met the standards for granting approval.

Decision of the Board

Upon motion duly made and seconded, the special use exception application and the variance application were approved. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. Norman Rickard, and Mr. Brent Workman. Mr. John Mills voted against the Motion to approve the special use exception application and the variance 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 May 7, 2013