

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: COLONIAL EAST COMMUNITY, LLC &**

**COLONIAL EAST LIMITED PARTNERSHIP**

**(Case No. 11197)**

A hearing was held after due notice on May 6, 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 required separation distance between manufactured homes and other structures within a mobile home park and a variance from the permitted lot coverage within a mobile home park requirement.

Findings of Fact

The Board found that the Applicants were seeking a variance to reduce the required separation requirement between units from twenty (20) feet to fifteen (15) feet throughout the park and a variance to increase the maximum allowable lot coverage from thirty five percent (35%) to forty five percent (45%) maximum allowable lot coverage for the park. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property located northeast of Route 1 (Coastal Highway) 0.25 miles northwest of Road 276 (Wolf Neck Road) within Colonial East Mobile Home Estates.; said property being identified as Sussex County Tax Map Parcel Number 3-34-6.00-335.00 & 335.01. After a hearing, the Board made the following findings of fact:

1. Steve Class was sworn in to testify about the Application.
2. David Hutt, Esquire, presented the case to the Board on behalf of the Applicants.
3. The Board found that Mr. Hutt submitted exhibits to the Board for review.
4. The Board found that Mr. Hutt stated that Mr. Class is an owner of Colonial East Limited Partnership.
5. The Board found that Mr. Hutt stated that the Property is located near Route 1 and that the request is for blanket variances applicable to all lots in the park.
6. The Board found that Mr. Hutt stated that the community was developed in the early 1970's and that the Sussex County Zoning Ordinance in 1970 required lots to be a minimum of 3,000 square feet in size with thirty five percent (35%) maximum allowable lot coverage.
7. The Board found that Mr. Hutt stated that in 1973 the Zoning Ordinance was amended to required lots to be a minimum of 5,000 square-feet in size with forty percent (40%) maximum allowable lot coverage.
8. The Board found that Mr. Hutt stated that the park was developed when the minimum lot size requirement was 3,000 square-feet and that the average lot size in the park is 3,500 square-feet.
9. The Board found that Mr. Hutt stated that the park was created when the average size of a manufactured home was ten (10) feet by twelve (12) feet and that the average size of manufactured homes is now is sixteen (16) feet by twenty eight (28) feet.
10. The Board found that Mr. Hutt stated that, throughout the park, the original, existing twelve (12) feet wide homes have additions and separation variances from other units.
11. The Board found that Mr. Hutt stated that the proposed variances will eliminate the need for homeowners in Colonial East to appear before the Board.

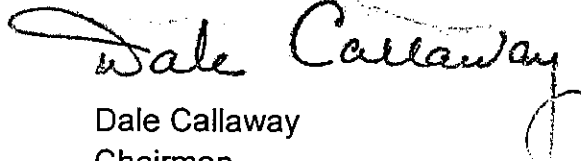
12. The Board found that Mr. Hutt stated that there have been twenty nine (29) variance applications requesting separation and lot coverage variances and that only three (3) requests were denied: one for lack of representation, one for a unique shed, and one was deemed unnecessary.
13. The Board found that Mr. Hutt stated that manufactured homes are much safer and more energy sufficient and environmentally safe than they were in years past.
14. The Board found that Mr. Hutt stated that the State Fire Marshal that only a minimum of a ten (10) feet of separation between units is required and no separation requirement required if an existing fire hydrant system is on site.
15. The Board found that Mr. Hutt stated that the park has recently installed a new fire prevention system throughout the park and that the State Fire Marshal has approved the system.
16. The Board found that Mr. Hutt stated that the uniqueness of the Property is that the park was created prior to the enactment of the current zoning code.
17. The Board found that Mr. Hutt stated that the Property cannot otherwise be developed and many lots would be rendered unusable without the variances.
18. The Board found that Mr. Hutt stated that the variances are necessary to enable reasonable use of the Property.
19. The Board found that Mr. Hutt stated that the variances will not alter the essential character of the neighborhood.
20. The Board found that Mr. Hutt stated that similar blanket variances have been granted by the Board in the past and that Colonial East is similar to those communities which received the blanket variances.
21. The Board found that Mr. Hutt stated that the variances sought are the minimum variances necessary to afford relief.
22. The Board found that Mr. Class confirmed the statements made by Mr. Hutt.
23. The Board found that Mr. Class testified that he is the park manager and that he will encourage all tenants to comply with the zoning requirements, if approved.
24. The Board found that Mr. Class testified that most tenants cannot afford the filing and survey fees required for a variance application and that there is no desire to change the existing use of the mobile home park.
25. The Board found that no parties appeared in support of or in opposition to the Application.
26. The Board tabled its decision on this matter until June 3, 2013.
27. 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 Property cannot be developed in strict conformity with the Sussex County Zoning Ordinance. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. The variances will not alter the essential character of the neighborhood. The variances sought are the minimum variances necessary to afford relief. The blanket variances would provide uniformity to the park.

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 July 16, 2013