

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: AMEN MINISTRIES

(Case No. 11298)

A hearing was held after due notice on December 9, 2013. The Board members present were: Mr. Dale Callaway, Mr. Jeffrey Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception for a transitional home.

Findings of Fact

The Board found that the Applicant was requesting a special use exception for a transitional home. The Applicant has requested that the aforementioned requested special use exception be granted as it pertains to certain real property located northeast of Myrtle Avenue 147 feet northwest of Delaware Street (Road 297A) and being Lots 27, 28, and 32 of Bookhammer Addition to Oak Orchard; said property being identified as Sussex County Tax Map Parcel Number 2-34-34.08-67.00. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning and Zoning received statements from the tenants of the transitional home, three (3) letters in support of the Application, a petition in support with thirty-two (32) signatures, and one (1) letter in opposition to the Application.
2. Raymond Perry was sworn in and testified requesting a special use exception for a transitional home.
3. The Board found that Mr. Perry testified that, in 2007, he took in a homeless man.
4. The Board found that Mr. Perry testified that he was once homeless and understands the difficulties homeless men face.
5. The Board found that Mr. Perry testified that he provides a place for the men to stay and help them get back on their feet.
6. The Board found that Mr. Perry testified that he uses the Property as a place for recovering addicts to start over.
7. The Board found that Mr. Perry testified that he works with local churches and agencies and was not aware a special use exception was required for this type of use.
8. The Board found that Mr. Perry testified that he understands the complaint was filed by the local fire department due to concern that many people are living in the residence.
9. The Board found that Mr. Perry testified that he is a member of the fire department.
10. The Board found that Mr. Perry testified that he contacted the State Fire Marshal and was told there were no regulations for a transitional home.
11. The Board found that Mr. Perry testified that the State Fire Marshal suggested that he limit the number of people to four (4).
12. The Board found that Mr. Perry testified that more than four (4) people living in the house would require substantial updates to the dwelling.
13. The Board found that Mr. Perry testified that the current tenants that live in the home with him are mentally challenged or unable to live on their own.
14. The Board found that Mr. Perry testified that the crime rate in the neighborhood has dropped since he has lived in the area and that he works closely with Delaware State Police Troop 4.
15. The Board found that Mr. Perry testified that the police will often contact him to see if he can provide shelter to someone.

16. The Board found that Mr. Perry testified that his property at times has been an eyesore to the community but the Property has been cleaned up.
17. The Board found that Mr. Perry testified that the neighborhood is residential.
18. The Board found that Mr. Perry testified that a six (6) unit apartment building is located nearby.
19. The Board found that Mr. Perry testified that he rents the Property.
20. The Board found that Mr. Perry testified that the dwelling has four (4) bedrooms.
21. The Board found that Mr. Perry testified that his wife works upstate through the week and lives at the dwelling on weekends.
22. The Board found that Mr. Perry testified that additional people may stay a few nights until he is able to find them another place to stay.
23. The Board found that Mr. Perry testified that the use does not substantially adversely affect the neighborhood.
24. The Board found that Mr. Perry testified that the use will provide housing for no more than eight (8) tenants at one time.
25. The Board found that Mr. Perry testified that four (4) people live in the house now (exclusive of his wife who lives there on weekends).
26. The Board found that Mr. Perry testified that the house is very big.
27. The Board found that Mr. Perry testified that he has room for three (3) additional people to stay a few nights.
28. The Board found that Mr. Perry testified that he has been using the house in this manner for the past three (3) years.
29. The Board found that Mr. Perry testified that he will install the required smoke and carbon monoxide detectors.
30. The Board found that Mr. Perry testified that he is aware the State Fire Marshal may require more updates to the home and that there may be other agency approvals needed to operate the home.
31. The Board found that Gary Knapp was sworn in and testified in support of the Application.
32. The Board found that Mr. Knapp testified that he is a pastor at a local church and that he fully supports the work being done by the Applicant.
33. The Board found that Mr. Knapp testified that the Property is in keeping with the neighborhood as there are other similar structures in the neighborhood.
34. The Board found that Mr. Knapp testified that the home has a positive effect to the neighborhood and that the Applicant has been an asset to the community.
35. The Board found that Calvin Miller was sworn in and testified in support of the Application.
36. The Board found that Calvin Miller testified that he is an elder at a local church.
37. The Board found that Calvin Miller testified that the Applicant has helped lessen crime in the neighborhood.
38. The Board found that Calvin Miller testified that the use is not detrimental to the community.
39. The Board found that Matthew Miller was sworn in and testified in support of the Application.
40. The Board found that Matthew Miller testified that he is an elder at a local church and that he teaches bible study at the home on Tuesdays.
41. The Board found that Matthew Miller testified that he has seen men go on to succeed in the neighborhood due to the help provided by the Applicant and that the Applicant is serving a great benefit to the County.
42. The Board found that Charles Minter was sworn in and testified in support of the Application.
43. The Board found that Mr. Minter testified that he has been to the Property for bible study and that the residents must live by certain rules or they are required to leave the house.

44. The Board found that Bryan Miller was sworn in and testified in support of the application.
45. The Board found that Bryan Miller testified that he has personally participated in helping with the house and that he aided by having eight (8) fire extinguishers donated to the home.
46. The Board found that fourteen (14) parties appeared in support of the Application.
47. The Board found that no parties appeared in opposition to the Application.
48. Based on 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 because the proposed use does not substantially affect adversely the uses of neighboring and adjacent properties. The use was approved for up to eight (8) people to reside in the dwelling.

The Board approved the special use exception application for up to eight (8) people to reside in the dwelling finding that it met the standards for granting a special use exception

Decision of the Board

Upon motion duly made and seconded, the Application was approved with conditions. The Board Members voting to approve the Application with conditions were Mr. Dale Callaway, Mr. Jeffrey 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 28, 2014