

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: RICHARD COOK

(Case No. 11370)

A hearing was held after due notice on April 7, 2014. 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 special use exception to place a manufactured home type structure in an AR-1 zoning.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to place a manufactured home type structure in an AR-1 zone. This application pertains to certain real property located 250 feet northwest of Road 500 (Watson Road) 2,200 feet northeast of Road 498 (Ellis Grove Road); said property being identified as Sussex County Tax Map Parcel Number 4-32-6.00-35.00. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received no letters regarding to the Application.
2. Richard Cook was sworn in to testify about the Application.
3. The Board found that Mr. Cook testified that he plans to place a single wide manufactured home on the Property.
4. The Board found that Mr. Cook testified that the Property is less than five (5) acres in size.
5. The Board found that Mr. Cook testified that a family member will live in the manufactured home.
6. The Board found that Mr. Cook testified that the Property is adjacent to his parents' house and this will allow a family member to live nearby to help care for them.
7. The Board found that Mr. Cook testified that his father has suffered strokes recently.
8. The Board found that Mr. Cook testified that he owned the Property in 1993 and had a single wide manufactured home on the Property at that time.
9. The Board found that Mr. Cook testified that the Property was deeded back to his mother and given to his brother and that he has recently purchased the lot from his brother.
10. The Board found that Mr. Cook testified that there is an existing septic system and well on the Property.
11. The Board found that Mr. Cook testified that he has not yet purchased a manufactured home for the Property.
12. The Board found that Mr. Cook testified that, depending on what is available and affordable, will determine whether they place a single wide or double wide manufactured home on the Property.
13. The Board found that Mr. Cook testified that the manufactured home would likely be a used model under five (5) years old.
14. The Board found that Mr. Cook testified that the Property is landlocked.
15. The Board found that Mr. Cook testified that the Property is accessed by an existing easement and cannot be seen from the road.
16. The Board found that Mr. Cook testified that his parents are the only persons who can see the Property.

17. The Board found that no parties appeared in support of or in opposition to the Application.
18. The Board voted to leave the case open to allow the Applicant to provide pictures of the manufactured home to be placed on the Property.
19. On October 6, 2014, the Board reviewed pictures of the proposed manufactured home submitted by the Applicant.
20. Based on the findings above and the testimony and exhibits 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 use does not substantially affect adversely the uses of adjacent or neighboring properties. The manufactured home is presentable and in good condition and will be located near lands owned by the Applicant's family. No evidence was presented that the proposed manufactured home would somehow substantially affect adversely the uses of neighboring and adjacent properties.

The Board granted the special use exception application finding that it met the standard for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the special use exception application was approved. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve the special use exception 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.

A placement permit must be obtained before the manufactured home is placed on the property.

Date December 2, 2014.