

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

**IN RE: EILEEN P. MCCAFFERY**

**(Case No. 11393)**

A hearing was held after due notice on May 19, 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 multi-sectional home that is more than five (5) years old.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to place a multi-sectional home that is more than five (5) years old. This application pertains to certain real property located north of Road 26 (Vines Creek Road) across from Road 344 (West Road); said property being identified as Sussex County Tax Map Parcel Number 1-34-10.00-30.01. 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. John Buck was sworn in to testify about the Application.
3. The Board found that Mr. Buck testified that the proposed unit is eight (8) years old and is owned by the Applicant.
4. The Board found that Mr. Buck testified that the Property is twelve (12) acres.
5. The Board found that Mr. Buck testified that they have sold the property where the unit was originally placed and that the unit is currently in storage nearby.
6. The Board found that Mr. Buck testified that the unit measures thirty-two (32) feet by seventy-six (76) feet and is in great condition.
7. The Board found that Mr. Buck testified that the lot is completely wooded.
8. The Board found that Mr. Buck testified that the unit will sit approximately 1,200 feet from Route 26, approximately 400 feet from the rear property line and 70-80 feet from the side property lines.
9. The Board found that Mr. Buck testified that the unit will not be seen from the road or surrounding properties.
10. The Board found that Mr. Buck testified that he has a septic permit.
11. The Board found that Mr. Buck testified that one acre was recently subdivided off of the Property and that property has a dwelling and a separate entrance.
12. The Board found that Mr. Buck testified that the dwelling is similar to a modular home on a steel frame.
13. The Board found that Mr. Buck testified that there are fields and undeveloped wooded lot nearby.
14. The Board found that Mr. Buck submitted a copy of the site survey for his septic permit and pictures of the manufactured home for the Board to review.
15. The Board found that no parties appeared in support of or in opposition to the Application.
16. Based on the findings above and the testimony and evidence 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 proposed unit is to be located on a large, wooded parcel and the unit will be located a significant distance from neighboring properties. The Applicant has demonstrated that neighboring properties include farmland and undeveloped woodlands. No evidence was presented which demonstrated that the proposed

use would have a substantial adverse effect on 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 July 8, 2014.