

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DAVID E. HAINES

(Case No. 11455)

A hearing was held after due notice on September 22, 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 variance from the separation requirement between units in a mobile home park.

Findings of Fact

The Board found that the Applicant was seeking a variance of 7.5 feet from the twenty (20) feet separation requirement from an accessory building on an adjacent lot in a manufactured home park. This application pertains to certain real property located east of Road 279 (Camp Arrowhead Road) and being south of North Drive, 400 feet west of Bay View Drive and being Lot B-21 within West Bay Park a Mobile Home Park; said property being identified as Sussex County Tax Map Parcel Number 2-34-18.00-40.00-Unit 12506. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received one (1) letter in support of the Application and no letters in opposition to the Application.
2. David Haines and Mark Misner were sworn in to testify about the Application.
3. The Board found that Mr. Misner testified that he is the manager of West Bay Park and that the Park supports the Application.
4. The Board found that Mr. Misner testified that Mr. Haines intends to replace the existing, aging, manufactured home located on the Property.
5. The Board found that Mr. Misner testified that the proposed manufactured home is reasonable in size and encroaches less into the setback area than the existing unit.
6. The Board found that Mr. Misner testified that the neighbor to the west has a shed / lean which creates the encroachment but the neighbor is not able to move the shed due to the location of existing utilities on that lot.
7. The Board found that Mr. Misner testified that the proposed unit cannot be moved closer to the east without encroaching on the house located on the property adjacent to the east side of the Property.
8. The Board found that Mr. Misner testified that moving the unit towards the front of the Property will be inconsistent with the placement of other homes in the neighborhood which are 25 feet from the road.
9. The Board found that Mr. Misner testified that moving the unit towards the front of the Property would also limit parking on the Property.
10. The Board found that Mr. Misner testified that the park was created in the 1960s for single-wide homes.
11. The Board found that Mr. Misner testified that many of the homes in the park have been improved but not replaced.
12. The Board found that Mr. Misner testified that the proposed unit is consistent with other homes in the neighborhood.
13. The Board found that Mr. Misner testified that the location of the shed creates a unique situation.
14. The Board found that Mr. Misner testified that the Property cannot be developed in strict conformity with the Sussex County Zoning Code.

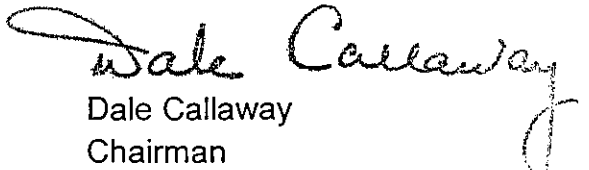
15. The Board found that Mr. Misner testified that the variance is necessary to enable reasonable use of the Property.
16. The Board found that Mr. Misner testified that the practical difficulty was not created by the Applicant.
17. The Board found that Mr. Misner testified that the variance will not alter the essential character of the neighborhood and that the use is not detrimental to the public welfare.
18. The Board found that Mr. Misner testified that the proposed unit will improve the property values of neighboring properties.
19. The Board found that Mr. Misner testified that the variance represents the least modification of the regulation at issue.
20. The Board found that no parties appeared in support of or in opposition to the Application.
21. 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 variance. The Property is unique due to the location of the neighbor's shed and its effect on the placement of the Applicant's home. The neighbor's shed cannot be moved due to the location of existing utilities. Additionally, moving the unit towards the front of the Property would be inconsistent with the location of other homes in the neighborhood and would limit parking. The proposed manufactured home will actually be farther away from the neighbor's shed than the existing manufactured home. The variance is necessary to enable reasonable use of the Property. The proposed manufactured home is reasonably sized and consistent with the neighborhood. The exceptional practical difficulty was not created by the Applicant. The Applicant did not create the lot nor did the Applicant place the shed on the adjacent property. The variance will not alter the essential character of the neighborhood. Rather, the variance will enable the home to be placed in a location that is in character with the neighborhood. Furthermore, testimony from Mark Misner indicates that West Bay Park supports the Application and that the proposed unit will likely increase property values in the neighborhood. The variance sought is the minimum variance necessary to afford relief and the variance requested represents the least modification of the regulation at issue.

The Board granted the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance 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 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 November 18, 2014