

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: WILLIAM DEERY and DIANE DEERY

(Case No. 11473)

A hearing was held after due notice on October 20, 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 variances from the separation requirement between units in a mobile home park.

Findings of Fact

The Board found that the Applicants were seeking a variance of 6.1 feet from the twenty (20) feet separation requirement between an accessory structure and a manufactured home, a variance of 10.2 feet from the twenty (20) feet separation requirement between units for a proposed deck, and a variance of 2.5 feet from the twenty (20) feet separation requirement between units in a mobile home park. This application pertains to certain real property located north of Lighthouse Road (Route 54) and being located at the end of Mason Dixon Annex Place, a private street, in Mason Dixon Annex Mobile Home Park (Unit 10) (911 Address: None Available); said property being identified as Sussex County Tax Map Parcel Number 1-34-23.20-68.00-Unit 16205). After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received no correspondence regarding the Application.
2. William Deery, Diane Deery, and Adam Rones were sworn in to testify about the Application.
3. The Board found that Mr. Rones submitted two (2) letters in support of the Application.
4. The Board found that Mr. Rones testified that the Applicants purchased a manufactured home with an existing addition in 2006.
5. The Board found that Mr. Rones testified that the Applicants plan to replace the unit with a double-wide manufactured home.
6. The Board found that Mr. Rones testified that the location of the proposed double-wide home will be farther away from neighboring homes than the existing manufactured home but the new home will not meet the required separation requirement.
7. The Board found that Mr. Rones testified that the Property is unique because the mobile home park with cooperative land is an older community and has not been developed in strict conformity with the Sussex County Zoning Code.
8. The Board found that Mr. Rones testified that the Property cannot be developed in strict conformity with the Code.
9. The Board found that Mr. Rones testified that the variances will not alter the essential character of the neighborhood as the home will be consistent with other homes which have been placed in the neighborhood.
10. The Board found that Mr. Rones testified that the proposed home will increase property values within the neighborhood.
11. The Board found that Mr. Rones testified that the variances represent the least modifications of the regulations at issue.
12. The Board found that Mr. Rones testified that the lot is surrounded by the lagoon on two (2) sides.

13. The Board found that Mr. Ronces testified that the proposed mobile home is 23.3 feet wide.
14. The Board found that no parties appeared in support of or in opposition to the Application.
15. 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 variance. The Property is unique due to its size and its proximity to a nearby lagoon which borders the Property on two (2) sides. The Property cannot otherwise be developed in strict conformity with the Sussex County Zoning Code. Other homes in the neighborhood have been placed on neighboring lots and the location of those homes makes it difficult, if not impossible, for the Applicants to place a reasonably sized home on the Property without violating the separation requirements. Due to the location of the lagoon and the setback requirements, the Applicants are unable to move the home farther away from the neighboring homes. The variances are necessary to enable reasonable use of the Property. The exceptional practical difficulty and hardship were not created by the Applicants. The variances will not alter the essential character of the neighborhood. Other similar homes are located in the neighborhood and the proposed home is consistent with the character of the neighborhood. Testimony in the record also evidences that the proposed home will likely also improve property values in the neighborhood. The variances sought are the minimum variances necessary to afford relief. The proposed home is actually farther away from neighboring homes than the existing dwelling and will bring a greater degree of conformity to the separation requirements.

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 December 16, 2014