

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: RUSSELL W. NEAL and MARIANNE NEAL

(Case No. 11491)

A hearing was held after due notice on November 17, 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 type structure that is more than five (5) years old.

Findings of Fact

The Board found that the Applicants were seeking a special use exception to place a multi-sectional home type structure that is more than five (5) years old. This application pertains to certain real property located southeast of Ockel Drive (Road 488) approximately 1,100 feet southwest of Route 13 (Sussex Highway) (911 Address: None Available); said property being identified as Sussex County Tax Map Parcel Number 1-32-6.00-227.03. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application and a portion of the tax map of the area.
2. The Board found that the Office of Planning and Zoning received no correspondence regarding the Application.
3. LaRhonda Fitzgerald was sworn in to testify about the Application.
4. The Board found that Ms. Fitzgerald submitted exhibits for the Board to review.
5. The Board found that Ms. Fitzgerald testified that the manufactured home is nine (9) years old and in very good condition.
6. The Board found that Ms. Fitzgerald testified that she owns the unit and it is currently at another location.
7. The Board found that Ms. Fitzgerald testified that she maintains the unit and washes it twice a year.
8. The Board found that Ms. Fitzgerald testified that she wishes to live in a more rural setting and that the Property is surrounded by farmland.
9. The Board found that Ms. Fitzgerald testified that the manufactured home will be on a block foundation and that the home will look like a stick-built home when it is placed on the foundation
10. The Board found that Ms. Fitzgerald testified that the Property is currently vacant.
11. The Board found that Ms. Fitzgerald testified that the use will not substantially adversely affect the uses of the neighboring and adjacent properties.
12. The Board found that two (2) parties appeared in support of the Application.
13. The Board found that Sue Ockels testified that she is a neighbor and, after reviewing photographs of the unit, does not object to the Application.
14. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and un rebutted, the Board determined that the application met the standards for granting a special use exception because the proposed manufactured home will not substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to approve the Application.
  - a. The pictures of the manufactured home demonstrate that the home is in good condition and is well-maintained.

- b. The area surrounding the Property is rural in character and the home is consistent with the neighborhood.
- c. No evidence was presented to the Board which would indicate that the proposed manufactured home would substantially affect adversely the uses of neighboring and adjacent properties.

The Board granted the special use exception application finding that it met the standards 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 January 27, 2015.