

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

**IN RE: SHARON KULP**

**(Case No. 11493)**

A hearing was held after due notice on December 1, 2014. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Norman Rickard.

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 0.3 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 Road 298 (Banks Road) and being southeast of Blue Boulevard 1,390 feet north of Road 298 (Banks Road) and being Lot L 13 in Shawn's Hideaway a Mobile Home Park (911 Address: 24439 Blue Boulevard, Millsboro, DE); said property being identified as Sussex County Tax Map Parcel Number 2-34-17.00-166.00-Unit 54900). After a hearing, the Board made the following findings of fact:

1. The Board reviewed copies of the Application, a statement by Applicant's agent, and a survey of the Property dated October 6, 2014.
2. The Board found that the Office of Planning and Zoning received no letters in regarding the Application.
3. John Starck was sworn in to testify the Application.
4. The Board found that Mr. Starck testified that he is the construction manager for Atlantis Homes and that the manufactured home was placed on the Property but is four (4) inches too close to the manufactured home on an adjacent lot.
5. The Board found that Mr. Starck testified that, prior to the installation of the footers for the home, they consulted with the mobile home park manager and the mobile home park manager approved the placement of the manufactured home.
6. The Board found that Mr. Starck testified that the Planning and Zoning Department later advised them of the encroachment.
7. The Board found that Mr. Starck testified that the septic system is in the rear yard and that they want to keep some distance between the house and the septic tank.
8. The Board found that Mr. Starck testified that the steps will be turned so as not to encroach into the setback areas.
9. The Board found that Mr. Starck testified that the home is consistent with other homes in the neighborhood and that the unit is sixteen (16) feet wide.
10. The Board found that Mr. Starck testified that the variance will not alter the character of the neighborhood and that the variance will not affect the neighboring and adjacent properties.
11. The Board found that Mr. Starck testified that the variance requested is the minimum variance to afford relief.
12. The Board found that no parties appeared in support of or in opposition to the Application.
13. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found to be credible, persuasive, and unrebutted, the Board determined that the Application met the

standards for granting a variance. The findings below further support the Board's decision to approve the Application.

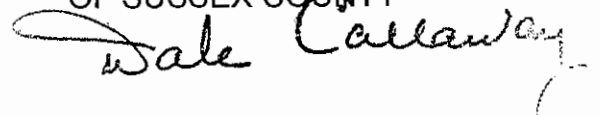
- a. The Property is unique due to its small size and the location of the septic system which limit the placement of the manufactured home. The survey evidences that the lot is only 50 feet wide and that the septic system is located very close to the existing dwelling. The location of the septic system as shown on the survey appears to greatly limit the ability to place the home on the Property without violating Sussex County setback requirements.
- b. Due to the small size of the lot and the location of the septic system, the variance is necessary to enable reasonable use of the Property as the variance will allow the manufactured home to remain in its current location. The evidence demonstrates that the manufactured home is 16 feet wide and is similar to other homes in the neighborhood. The manufactured home constitutes a reasonable use of the Property.
- c. The exceptional practical difficulty and unnecessary hardship were not created by the Applicant. The Applicant relied on the contractor to place the home and the contractor checked with the property manager about the placement prior to setting the footers for the home only to later learn that the home was 0.3 feet too close to a neighboring home and, thereby, violated the separation requirement. Furthermore, the difficulty and hardship were not created by the Applicant because the small size of the lot and the location of the septic system limited the placement options for the home.
- d. The variance will not alter the essential character of the neighborhood. The unrebutted testimony from Mr. Starck confirms that similar homes are located in the neighborhood and that the location of the home will not detract from the neighborhood.
- e. The variance sought is the minimum variance to afford relief as the variance will allow the home to remain in its current location. No additional variance is requested to expand the home or to further encroach into the setback area than is necessary.

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, and Mr. Norman Rickard. No Board Members voted against the Motion to approve the variance application. Mr. Brent Workman did not participate in the discussion or vote of this 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 January 27, 2015