

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: TERESA M. BARNES

(Case No. 11503)

A hearing was held after due notice on December 15, 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 for a manufactured home due to a medical hardship.

Findings of Fact

The Board found that the Applicant was seeking a special use exception for a manufactured home due to a medical hardship. This application pertains to certain real property located south of Burbage Road (Road 353) approximately 2,200 feet east of Jones Road (Road 369); said property being identified as Sussex County Tax Map Parcel Number 1-34-15.00-3.04.

1. The Board was given copies of the Application, promotional material for the home, a portion of the tax map of the area, a survey of the Property dated June 4, 2014, two (2) letters from Dr. Erik Russell, and a portion of the Sussex County Code.
2. The Board found that the Office of Planning and Zoning received no correspondence regarding the Application.
3. Teresa Barnes was sworn in to testify about the Application.
4. The Board found that Ms. Barnes testified that her mother and sister are disabled and need care.
5. The Board found that Ms. Barnes testified that she will be taking care of her mother and her sister.
6. The Board found that Ms. Barnes testified that the septic system has been approved for up to five (5) bedrooms.
7. The Board found that Ms. Barnes testified that the proposed manufactured home will measure 16 feet by 72 feet.
8. The Board found that Ms. Barnes testified that the unit will not be seen from the road as it will be approximately 350 feet from the road.
9. The Board found that Ms. Barnes testified that the nearest neighbor is over 200 feet from the Property.
10. The Board found that Ms. Barnes testified that the proposed unit will meet all setback requirements.
11. The Board found that Ms. Barnes testified that she plans to plant fast-growing trees to shield the visibility of the house.
12. The Board found that Ms. Barnes testified that the use will not substantially adversely affect the uses of adjacent and neighboring properties.
13. The Board found that Ms. Barnes testified that the manufactured home is a brand new model.
14. The Board found that two (2) parties appeared in support of the Application.
15. The Board found that no parties appeared 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, which the Board found credible, persuasive, and un rebutted, the Board determined that the application met the standards for granting a special use exception. The findings below further support the Board's decision to approve the Application.

- a. The proposed manufactured home will not substantially affect adversely the uses of neighboring and adjacent properties. The Property is rather large as it is 2.1099 acres as shown on the survey and can easily accommodate the unit. The neighboring homes are located a fair distance from the unit and the Applicant intends to plant trees to shield visibility thereof. The unit will be a brand new unit and should be presentable to those who can see it. The Applicant has demonstrated that the home will be serviced by an adequate septic system.
 - b. The Applicant demonstrated through her testimony and the letters from Dr. Russell that a medical hardship exists which necessitates the need for the manufactured home. The Applicant will be taking care of her disabled mother and sister.
 - c. No evidence was presented that would indicate that the manufactured home would substantially affect adversely the uses of neighboring and adjacent properties.
17. The special use exception was approved for a period of two (2) years.

The Board granted the special use exception application for a period of two (2) years 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 for a period of two (2) years. 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 February 18, 2015.