

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: KENNETH EVANS

(Case No. 11541)

A hearing was held after due notice on March 2, 2015. 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 manufactured home type structure for a medical hardship.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to place a manufactured home type structure for a medical hardship. This application pertains to certain real property located southwest corner of Road 341 (Falling Point Road) and Road 343 (Wingate Road) (911 Address: 31360 Wingate Road, Dagsboro, DE); said property being identified as Sussex County Tax Map Parcel Number 1-34-10.00-5.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a portion of the tax map of the area, an assessment record, and a physician's statement.
2. The Board found that the Office of Planning and Zoning received no letters in support of or in opposition to the Application.
3. The Board found that Kenneth Evans was sworn in and testified regarding the Application.
4. The Board found that Mr. Evans testified that the manufactured home will be used by his 90-year old mother. She has recently fallen and needs to have someone near to care for her but she wants to live alone.
5. The Board found that Mr. Evans testified that the Property is approximately 1.5 acres in size.
6. The Board found that Mr. Evans testified that he has spoken with the neighbors and they have no objection to the Application. The unit will be placed in an area where it will not be as visible from neighboring properties. His neighbor has low-lying, wooded lands which are unlikely to be developed.
7. The Board found that Mr. Evans testified that the unit will meet the required setback requirements.
8. The Board found that Mr. Evans testified that the unit would be removed if his mother passed away.
9. The Board found that Mr. Evans testified that the unit will be a 2015 single-wide model.
10. The Board found that Mr. Evans testified that the use will not substantially adversely affect the uses of the neighboring and adjacent properties.
11. The Board found that two (2) parties appeared in support of the Application.
12. The Board found that no parties appeared 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 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.

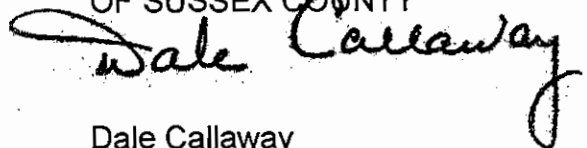
- a. The Applicant demonstrated that the manufactured home will be adequately screened from neighboring properties.
- b. The manufactured home is a 2015 model.
- c. The Applicant spoke with his neighbors and they did not object to the Application.
- d. The Property is over an acre in size and there is sufficient room for the manufactured home.
- e. No evidence was presented which would demonstrate that the billboard would have a substantial adverse effect on neighboring and adjacent properties.
- f. The Applicant also demonstrated that a medical hardship exists, as evidenced by the physician's statement, and that the unit will be used by his mother to provide her with independence while living next to her family.
- g. The Board approved the special use exception for a period of two (2) years.

The Board granted the special use exception 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 for a period of two (2) years 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 April 21, 2015