

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

**IN RE: NITA CONAWAY**

**(Case No. 11548)**

A hearing was held after due notice on April 6, 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 for a medical hardship.

Findings of Fact

The Board found that the Applicant is seeking a special use exception to place a manufactured home for a medical hardship. This application pertains to certain real property located northwest of Route 567B (Kraft Road) approximately 2,500 feet southeast of Route 567A (Handy Road). The 911 address for this property is 3025 Kraft Road, Bridgeville, Delaware and it is further identified as Sussex County Tax Map and Parcel Number 1-31 12.00 18.00.

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 Sussex County Tax Map of the area.
2. The Board found that Nita Conaway and Pam Crick were sworn in and testified on behalf of the Special Use Exception to place a manufactured home for a medical hardship basis.
3. The Board found that the Applicant lives with her sister and no longer lives on the property that is the subject of this Application.
4. The Board found that the Applicant's daughter is currently living in the dwelling situated on the property that is the subject of this Application.
5. The Board found that the manufactured home belongs to the Applicant's daughter and that the Applicant gave the daughter permission to store the unit on the Applicant's property.
6. The Board found that the unit was placed on the subject lot without any permits from Sussex County.
7. The Board found that the Applicant and her daughter are unsure what to do with the manufactured home and that they are considering whether to sell it or use it for storage on the property.
8. The Board found that the Applicant was advised by a mobile home sales company to apply for a medical hardship to allow the home to be stored on the subject property.
9. The Board found that the Applicant and her daughter do have health issues, and Mr. Lank summarized the physician's statement submitted by the Applicant.
10. The Board found that the Applicant does not reside on the subject property.
11. The Board found that no parties intend to reside in the mobile home on the subject property and that the only residence that will be occupied on the property is the dwelling that currently exists there and not the mobile home.
12. The Board found that Mr. John Tarburton, Esquire, stated that he represented opposition to the Application but testified that since the Applicant should not be able to obtain a Special Use Exception as submitted, the opposition had no further comment.
13. The Board found that no parties appeared in support of the Application.
14. The Board found that the Office of Planning and Zoning received twenty-one letters in opposition to the Application.
15. The Board found that twenty-one people were present in opposition to the Application.
16. Based upon the findings above and the testimony and evidence presented during the Public Hearing and contained in the Public Record, the Board determined that the Application did not meet the standards for granting a Special Use Exception to place a manufactured home for medical hardship, etc.
  - a. No credible, persuasive or empirical evidence was presented to support findings that the Special Use Exception to place a manufactured home for medical hardship should be granted.

- b. A Special Use Exception to place a manufactured home for medical hardship requires that individuals reside in a dwelling upon the subject property and that a medical hardship exists for a person to reside in a manufactured home on the same property.
- c. The Board found that there was no justification in the record to support the placement of a manufactured home based upon a medical hardship.
- d. The Board found that the only reason the Applicant sought to place the home upon the property is because they have nowhere else to put it and they simply want to place it on the property for storage or for future sale. That is not a basis for the Special Use Exception under the Sussex County Zoning Code.

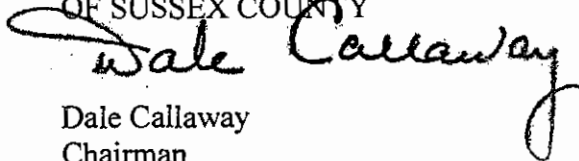
Based upon the foregoing, the Board denied the Special Use Exception to place a manufactured home for a medical hardship.

Decision of the Board

Upon motion duly made and seconded, the special use exception to place a manufactured home for a medical hardship was denied. The Board Members voting in favor of this denial were Mr. Jeff Hudson, Mr. Brent Workman, Mr. John Mills, Mr. Dale Callaway and Mr. Norman Rickard.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY

Dale Callaway  
Chairman



Date May 5, 2015