

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: KENNETH H. BENNETT, JR.

(Case No. 11574)

A hearing was held after due notice on May 18, 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 retain a manufactured home type structure in an AR-1 Zoning district.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to retain a manufactured home type structure in an AR-1 Zoning district. This application pertains to certain real property located west of Waycross Road (Road 505A) and approximately 0.7 mile south of Ralph Road (Road 505) (911 Address: 36048 Waycross Road, Laurel); said property being identified as Sussex County Tax Map Parcel Number 5-32-4.00-60.00. 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 tax map of the area.
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 Bennett and Lee Ann Bennett were sworn in and testified regarding the Application. Mrs. Bennett submitted pictures of the Property to the Board to review.
4. The Board found that Mrs. Bennett testified that Way Cross Road is a dead-end road.
5. The Board found that Mrs. Bennett testified that they purchased the Property in February 2006.
6. The Board found that Mrs. Bennett testified that when they purchased the lot there was an older dwelling, a single-wide manufactured home, and junk on the Property. They cleaned the Property and placed a double-wide manufactured home on the Property in July 2006.
7. The Board found that Mrs. Bennett testified that they lost possession of the double-wide manufactured home in 2010. Her daughter gave them a 1996 singlewide unit measuring 14 feet by 70 feet to place on the Property.
8. The Board found that Mrs. Bennett testified that they hired a company to set up the unit on the Property and they assumed the company had obtained all the proper permits.
9. The Board found that Mrs. Bennett testified that she has had multiple back surgeries and has to have another one. Without an approval from the Board, they will be homeless.
10. The Board found that Mrs. Bennett testified that the Property is well-kept and there are other manufactured homes in the area.
11. The Board found that Mrs. Bennett testified that the neighbors are in support of the Application and that the use will not substantially adversely affect the uses of neighboring and adjacent properties.
12. The Board found that Mr. Bennett testified that the Property is 1.3 acres and the home is skirted.
13. The Board found that Mr. Bennett testified they would like to replace the singlewide with a doublewide mobile home as soon as possible.

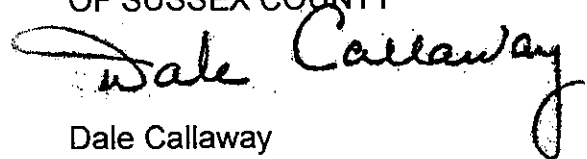
14. The Board found that five (5) parties appeared in support of the Application.
15. The Board found that no parties appeared in opposition to the Application.
16. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive and un rebutted, the Board determined that the application met the standards for granting a special use exception because the manufactured home-type structure 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 Property is located along Waycross Road, which is a dead-end road.
 - b. The structure is already located on the Property and has been located there since 2010.
 - c. There are other mobile homes in the area.
 - d. The Property is 1.3 acres, which is a reasonably sized lot.
 - e. The Applicant has received support from neighbors for this application.
 - f. The structure is skirted and appears to be well-maintained as evidenced by the pictures submitted by the Applicants.
 - g. No evidence was presented which would demonstrate that the manufactured home-type structure would have a substantial adverse effect on neighboring and adjacent properties. The lack of evidence opposing the application is telling since the home has been on the Property for several years.

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 July 7, 2015