

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MARK YODER & POLLY YODER

(Case No. 11642)

A hearing was held after due notice on September 21, 2015. The Board Members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to place a multi-sectional manufactured home that is more than five (5) years old.

Findings of Fact

The Board found that the Applicants are requesting a special use exception to place a multi-sectional manufactured home that is more than five (5) years old. This application pertains to certain real property located on the north side of Hickman Road approximately 326 feet east of Farm Lane (911 Address: None Available); said property being identified as Sussex County Tax Map Parcel Number 5-30-3.00-2.08. 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, and a survey dated October 16, 2014.
2. The Board found that the Office of Planning and Zoning had not received any correspondence in support of or in opposition to the Application.
3. The Board found that Kevin Schroeder and Mark Yoder were sworn in and testified regarding the Application. Mr. Schroeder submitted pictures for the Board to review.
4. The Board found that Mr. Schroeder testified that the proposed manufactured home is a 2006 model which measures 2,100 square feet in size. The unit is only four (4) years older than what is permitted by the Zoning Ordinance.
5. The Board found that Mr. Schroeder testified that a new model would cost over \$100,000.00. The Applicants purchased the repossessed home for slightly more than \$40,000.00.
6. The Board found that Mr. Schroeder testified that a newer home would look nearly identical to this unit.
7. The Board found that Mr. Schroeder testified that the adjacent property belongs to the family and is farmed.
8. The Board found that Mr. Schroeder testified that there are numerous manufactured homes in the surrounding area; some of which are older than the proposed unit.
9. The Board found that Mr. Schroeder testified that the unit will be placed in the rear of this deep, wooded lot and will not be seen from the road.
10. The Board found that Mr. Schroeder testified that the Applicants plan to install a block foundation in the spring.
11. The Board found that Mr. Schroeder testified that the use will not substantially adversely affect the uses of the neighboring and adjacent properties.
12. The Board found that one (1) party appeared in support of the Application.
13. The Board found that no parties appeared in opposition to the Application.
14. 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 structures 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 a large lot consisting of over 4 acres as shown on the survey. The Applicants' family also owns surrounding lands which are farmed.
- b. The Property is located in a largely wooded area and the structure will be difficult to see from the road.
- c. The pictures of the unit indicate that the manufactured home is in good condition and is well-maintained. The Applicants intend to place the unit on a foundation this spring.
- d. The unrebutted evidence indicates that there are other similar manufactured home structures in the neighborhood; some of which are older than the Applicants' unit.
- e. No evidence was presented which would demonstrate that the structure will have a substantial adverse effect on neighboring and adjacent properties.

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, and Mr. Brent Workman. No Board Members voted against the Motion to approve the special use exception application. Mr. Norman Rickard was not present and 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.

A placement permit must be obtained before
The manufactured home is placed on the property.

Date November 17, 2015.