

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

**IN RE: ROGER GREENE AND JOYCE GREENE**

**(Case No. 11734)**

A hearing was held after due notice on March 7, 2016. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. Norman Rickard, and Mr. Brent Workman. Mr. John Mills was absent.

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 Applicants are requesting special use exception to place a manufactured home type structure for a medical hardship. This application pertains to certain real property located on the north side of Hearn's Pond Road approximately 2,617 feet east of Conrail Road (911 Address: 8137 Hearn's Pond Road, Seaford); said property being identified as Sussex County Tax Map Parcel Number 3-31-3.00-120.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a portion of the Sussex County Zoning Code, a portion of the tax map of the area, a drawing of the property, an aerial photograph of the Property, 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 Roger Greene and Joyce Greene were sworn in and testified regarding the Application.
4. The Board found that Mrs. Greene testified that the home will be placed on her son's property.
5. The Board found that Mrs. Greene testified that there are not any houses nearby.
6. The Board found that Mrs. Greene testified that the Property is fenced in. There are trees on the Property and more trees will be planted.
7. The Board found that Mrs. Greene testified that Hearn's Pond is adjacent to the rear of the Property.
8. The Board found that Mrs. Greene testified that the Applicants are aware of the time restrictions on this type of approval.
9. The Board found that Mrs. Greene testified that the 2016 manufactured home will have a deck and landscaping nearby.
10. The Board found that Mrs. Greene testified that the parking for the unit will be located nearby.
11. The Board found that Mrs. Greene testified that the septic has been approved by the Department of Natural Resources and Environmental Control ("DNREC").
12. The Board found that Mrs. Greene testified that the neighbors have no objection to the Application.
13. The Board found that Mrs. Greene testified that the home will not be seen from the road.
14. The Board found that Mrs. Greene testified that, due to her medical issues, she needs to be near family for assistance.
15. The Board found that Mrs. Greene testified that the use will not substantially adversely affect the uses of the neighboring and adjacent properties.
16. The Board found that no parties appeared in support of or in opposition to the Application.

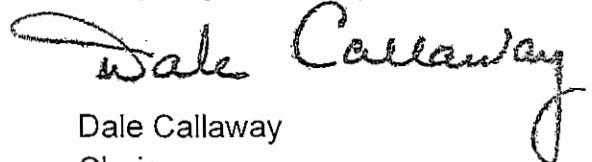
17. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive and un rebutted, the Board determined that the application met the standards for granting a special use exception because the proposed manufactured 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 Applicants demonstrated that the manufactured home will be adequately screened from neighboring properties.
  - b. The manufactured home is a 2016 model.
  - c. There was no objection noted in the record by neighbors.
  - d. The Property is a large parcel and there is sufficient room for the manufactured home.
  - e. The area around the unit will be landscaped and the Applicants intend to plant trees around the Property to screen the unit from view.
  - f. No evidence was presented which would demonstrate that the billboard would have a substantial adverse effect on neighboring and adjacent properties.
  - g. The Applicants also demonstrated that a medical hardship exists, as evidenced by the physician's statement, and that the unit will be used by Joyce Greene to provide her with independence while living next to her family.
  - h. 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. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve the special use exception application. Mr. John Mills did not participate in the discussion or vote of the 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 May 17, 2016