

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

**IN RE:        LORI A. HUDSON and JAMES E. HUDSON, JR.**

**(Case No. 11738)**

A hearing was held after due notice on March 21, 2016. 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 an existing manufactured home type structure that is on less than ten (10) acres. (Section 115-210A (3)(q) of the Sussex County Zoning Ordinance).

Findings of Fact

The Board found that the Applicant is seeking a Special Use Exception for an existing manufactured home type structure that is on less than ten (10) acres on a parcel of land zoned AR-1 Agricultural Residential. The property is identified as Sussex County Tax Map and Parcel Number 1-35 10.00 3.00, with a 911 address of 21148 Huckleberry Lane, Georgetown, Delaware 19947.

After the 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. Janelle Cornwell, of Sussex County, described the case and stated that the Office of Planning and Zoning has not received any correspondence concerning the Application.
3. Mr. Hudson and Mrs. Hudson was sworn in and testified that they are requesting a special use exception to retain an existing manufactured home type structure that is on less than ten (10) acres.
4. The Board found that Mr. and Mrs. Hudson testified that the home was placed on the property in 1980.
5. The Board found that Mr. and Mrs. Hudson testified that they recently purchased 3 acres including the manufactured home, and that they did not desire to purchase ten (10) acres.
6. The Board found that Mr. and Mrs. Hudson testified that they moved into the manufactured home in October of 2015 and that due to health issues they were forced to sell their other property.
7. The Board found that Mr. and Mrs. Hudson testified that they intend to use the manufactured home until they build a new dwelling on the subject property.
8. The Board found that Mr. and Mrs. Hudson testified that once they build a new dwelling on the subject property, the manufactured home will no longer be used, and they anticipate that this will occur within five (5) years.
9. The Board found that Mr. and Mrs. Hudson testified that once a new dwelling is constructed, the manufactured home will be removed from the property.
10. The Board found that Mr. Hudson presented photographs of the manufactured home as part of the record.
11. The Board found that Mr. and Mrs. Hudson testified that it is their opinion that the special use exception for a manufactured home will not adversely affect the uses of the neighboring and adjacent properties.
12. The Board found that two parties appeared in support of the application.
13. The Board found that no parties appeared in opposition to the special use exception application.
14. Based on the findings above and the testimony and evidence presented during the Public Hearing and contained in the Public Record, the Board determined that the Special Use Exception Application should be granted to retain an existing manufactured home type structure that is on less than ten (10) acres zoned AR-1 Agricultural Residential. The findings below further support the Board's decision to grant the Special Use Exception Application:

- a. The application is for an existing manufacture home on the premises. The applicants have purchased the home and 3 acres out of a larger tract.
- b. By approving this application, there is no visible change to the fact that the home has existed since 1980, other than the applicant's improvements to the structure.
- c. The Applicants stated that the manufactured home will only be used on a temporary basis while they are constructing a new dwelling on the subject property.
- d. The Applicants stated that after the new dwelling is constructed on the subject property, the manufactured home apartment will no longer be used, and it will be removed.
- e. The Applicants stated that the use will not substantially adversely affect the uses of neighboring and adjacent properties.
- f. There was no empirical evidence in the record that the application for a manufactured home will have any adverse effect on neighboring or adjacent properties. As a result, the standard that the use will not substantially adversely affect the uses of the neighboring and adjacent properties has been satisfied.
- g. Because the applicants stated that the manufactured home is only needed on a temporary basis, it is appropriate to place a five-year time limit on the special use exception.

Based on the foregoing, the Board approved the special use exception to retain an existing manufactured home type structure that is on less than ten (10) acres pursuant to Section 115-210A(3)(q) of the Sussex County Zoning Code for a period of five years.

Decision of the Board

Upon motion duly made and seconded, the special use exception to retain an existing manufactured home type structure that is on less than ten (10) acres pursuant to Section 115-210A(3)(q) of the Sussex County Zoning Code was approved for a period not to exceed five years from the date of this decision. The Board Members in favor of the approval were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard and Mr. Brent Workman.

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.