

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

**IN RE: MICHAEL K. MANTLO & HILDA L. MANTLO**

**(Case No. 11744)**

A hearing was held after due notice on April 4, 2016. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Jeff Hudson, 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 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 Salt Barn Road approximately 1,390 feet west of Old State Road (911 Address: 11101 Salt Barn Road, Laurel); said property being identified as Sussex County Tax Map Parcel Number 3-32-8.00-2.01. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a statement from Dr. Jean B. Antoine, a survey of the Property dated December 15, 2015, a letter of no objection from the Delaware Department of Natural Resources and Environmental Control ("DNREC"), an application for an on-site wastewater system, and an article by Bill Coffin.
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 Michael Mantlo was sworn in and testified regarding the Application. Mr. Mantlo submitted exhibits to the Board to review.
4. The Board found that Mr. Mantlo testified that his brother is completely disabled due to a traumatic brain injury and needs nursing care 24 hours a day.
5. The Board found that Mr. Mantlo testified that his brother needs to be near family.
6. The Board found that Mr. Mantlo testified that the proposed manufactured home will meet all setback requirements and will be compatible with other structures on the Property.
7. The Board found that Mr. Mantlo testified that the use will not substantially adversely affect the uses of the neighboring and adjacent properties.
8. The Board found that Mr. Mantlo testified that he understands the approval is temporary and that the manufactured home must be removed when his brother no longer lives there.
9. The Board found that Mr. Mantlo testified that he owns the proposed 2005 manufactured home and it is currently in a mobile home park.
10. The Board found that Mr. Mantlo testified that the home will be skirted and there will be some landscaping around the house with a handicap ramp for access to the proposed manufactured home.
11. The Board found that Mr. Mantlo testified that he will live in the dwelling that is currently on the Property.
12. The Board found that Mr. Mantlo testified that there is only one residence near the Property which is located west of the Property. The Property is otherwise adjacent to fields and consists of approximately 5 acres.
13. The Board found that Mr. Mantlo testified that DNREC has approved the connection of the proposed manufactured home to the existing septic system.

14. The Board found that Charles Bredbenner, Jr., was sworn and testified about the Application. He was initially opposed to the Application but he testified that he did not believe the manufactured home would substantially affect adversely the uses of the Property.
15. The Board found that no parties appeared in support of the Application.
16. The Board found that one (1) party appeared 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, 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 Property is a large parcel consisting of approximately five acres and is located adjacent to fields. There is sufficient room on the Property to accommodate this unit.
  - b. The placement of the unit will not require an additional septic system as the unit will connect to the existing septic system. DNREC has approved this connection.
  - c. The manufactured home is a 2005 model and has been used at a different location by the Applicant.
  - d. The area around the unit will be landscaped and the unit will be skirted. The Board is confident that the Applicants will take steps to maintain in good condition the appearance of the manufactured home and the area surrounding it.
  - e. No evidence was presented which would demonstrate that the manufactured home would have a substantial adverse effect on neighboring and adjacent properties. In fact, the only opposition to the Application admitted that the manufactured home would not substantially affect adversely the uses of neighboring and adjacent properties.
  - f. The Applicants also demonstrated that a medical hardship exists, as evidenced by the physician's statement, and that the unit will be used by the Applicants' brother, who is disabled.
  - g. 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. 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 May 17, 2016