

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

**IN RE: RICHARD CARMINE & PHYLLIS CARMINE**

**(Case No. 11782)**

A hearing was held after due notice on June 6, 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 temporary manufactured home type structure for a security office.

Findings of Fact

The Board found that the Applicants are requesting a special use exception to exception to retain a manufactured home type structure for a security office. This application pertains to certain real property located on the southwest corner of Trussum Pond Road and Old State Road (911 Address: 11450 Trussum Pond Road, Laurel); said property being identified as Sussex County Tax Map Parcel Number 3-32-2.00-82.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, an aerial photograph of the Property, a photograph of the unit, a portion of the tax map of the area, and a portion of an undated survey.
2. The Board found that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Richard Carmine was sworn in and testified regarding the Application.
4. The Board found that Mr. Carmine testified that a manufactured home has been on the Property for over 30 years without a complaint and the business has existed on the Property since 1972. The home is identified as Building 8 on the survey.
5. The Board found that Mr. Carmine testified that the manufactured home is needed for security. There are other businesses along Trussum Pond Road which have been broken into recently and his business houses copper and expensive tools.
6. The Board found that Mr. Carmine testified that his son lives in the manufactured home.
7. The Board found that Mr. Carmine testified that the use does not and has not substantially adversely affected the uses of the neighboring and surrounding properties.
8. The Board found that Mr. Carmine testified that there are several manufactured homes in the area and there is a mobile home park approximately one quarter mile away.
9. The Board found that Mr. Carmine testified that the single-wide unit was replaced by a double-wide approximately five (5) years ago.
10. The Board found that Mr. Carmine testified that he is asking for approval of five (5) more years.
11. The Board found that no parties appeared in support of or in opposition to the Application.
12. 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 currently used for a business and the unit is needed to provide adequate security for the business. The Applicants' son lives in the unit and helps secure the Property when it is not in operation. The business has expensive tools, equipment, and materials and there has been theft in the area. The business benefits from the security office.
- b. This manufactured home has been on the Property for five (5) years and no complaints have been noted to the Applicants or in the record. This lack of complaint is telling because, if the unit substantially, adversely affected neighboring and adjacent properties, the Board would expect that some evidence or complaint would be noted in the record.
- c. The Property is a large parcel as noted on the survey and tax map.
- d. There are other manufactured homes in the area, including a manufactured home community less than a mile away.
- e. The pictures indicate that the unit is well-maintained and has an attractive appearance.
- f. No evidence was presented which would demonstrate that the structure will have a substantial adverse effect on neighboring and adjacent properties.
- g. The special use exception was approved for a period of five (5) years.

The Board granted the special use exception application for a period of five (5) 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 was approved for a period of five (5) years. 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.

Date August 2, 2016.