

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

**IN RE: ROBERT WOOLDRIDGE & AMANDA WOOLDRIDGE**

**(Case No. 11786)**

A hearing was held after due notice on June 20, 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 variances from the separation requirement between units in a mobile home park, maximum lot coverage allowable in a mobile home park, and rear yard setback requirements.

Findings of Fact

The Board found that the Applicants are seeking a variance of 8.3 feet from the twenty (20) feet separation requirement between units in a mobile home park, a variance of 1.7 feet from the twenty (20) feet separation requirement between units in a mobile home park, a variance of 13.7 feet from the twenty (20) feet separation requirement between units in a mobile home park, a variance of 3.275% from the maximum lot coverage allowable in a mobile home park, and a variance of 0.7 feet from the five (5) feet rear yard setback requirement for a proposed porch. This application pertains to certain real property located the east side of Old Landing Road approximately 350 feet north of Airport Road (911 Address: 357 Magnolia Road, Rehoboth Beach); said property being identified as Sussex County Tax Map Parcel Number 3-34-13.00-164.00-39071.

1. The Board was given copies of the Application, minutes of the Pine Valley Mobile Home Park Cooperative, an email from Rob Wooldridge, drawings of the Property and the surrounding area, a portion of the tax map of the area, assessment records, and a survey dated March 16, 2016.
2. The Board found that the Office of Planning & Zoning received one (1) letter of support to the Application and no correspondence in opposition to the Application.
3. Robert Wooldridge was sworn in to testify about the Application.
4. The Board found that Mr. Wooldridge testified that the existing mobile home is approximately fifty (50) years old and must be replaced.
5. The Board found that Mr. Wooldridge testified that the existing home is approximately 22 feet wide with a porch and deck.
6. The Board found that Mr. Wooldridge testified that the existing mobile home eight (8) feet from the property line and the proposed manufactured home will be approximately 6 to 11 inches closer to the property line. The proposed unit, however, will be set two (2) feet farther back on the Property to allow room for two (2) parking spaces in front of the proposed unit.
7. The Board found that Mr. Wooldridge testified that a neighbor's garage on Lot 63 burned down and has been removed.
8. The Board found that Mr. Wooldridge testified that the adjacent neighbors and Pine Valley have no objection to the Application.
9. The Board found that Mr. Wooldridge testified that the Property is unique. The Property is not square and a variance would be needed in order to place any home on the Property.
10. The Board found that Mr. Wooldridge testified that the irregular shaped lot cannot otherwise be developed in strict conformity with the Sussex County Zoning Code.

11. The Board found that Mr. Wooldridge testified that the existing unit does not comply with the Sussex County Zoning Code.
12. The Board found that Mr. Wooldridge testified that the lots were designed and developed years ago.
13. The Board found that Mr. Wooldridge testified that the exceptional practical difficulty was not created by the Applicants.
14. The Board found that Mr. Wooldridge testified that the manufactured home will be an improvement to the Property and the proposed unit will not alter the character of the neighborhood.
15. The Board found that Mr. Wooldridge testified that most of the newer homes in the community are double-wide manufactured homes and other lots in the mobile home park exceed the maximum allowable lot coverage.
16. The Board found that Mr. Wooldridge testified that the Applicants have searched different models and manufacturers to find a design best suited for their family's needs and to fit on the lot.
17. The Board found that Mr. Wooldridge testified that the proposed screen porch will provide storage as well. The porch will also provide protection from mosquitoes and there are a lot of mosquitoes in Pine Valley.
18. The Board found that Mr. Wooldridge testified that the proposed porch is wide enough to allow them to access the porch from the home.
19. The Board found that Mr. Wooldridge testified that the Applicants considered a 24 feet wide model but those models are longer. A wider unit was chosen to minimize the variances needed to place a new home on the lot. The Applicants researched other models and all models would require some form of variance due to the proximity of structures on neighboring properties.
20. The Board found that one (1) party appeared in support of the Application.
21. The Board found that no parties appeared in opposition to the Application.
22. The Board tabled the case until July 11, 2016, at which time the Board discussed and voted on the Application.
23. 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 variance. The findings below further support the Board's decision to approve the Application.
  - a. The Property is unique due to its small size and angled shape. The small size and odd shape of the lot have created an exceptional practical difficulty for the Applicants who seek to place a new dwelling and porch on the Property consistent with others in the neighborhood but cannot do so in compliance with the Sussex County Zoning Code. The situation is also unique because neighboring homes and structures have been placed on other lots and the Applicants have no control over the placement of those homes. The uniqueness of the Property has created an exceptionally small building envelope and it is unlikely that the Applicants could place a home on the lot without some form of variance being needed.
  - b. Due to the uniqueness of the Property and the placement of the structures on a neighboring lot, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Applicants propose to construct a reasonably sized dwelling and porch consistent with other dwellings in the neighborhood but are unable to do so without violating the Sussex County Zoning Code. The variances are thus necessary to enable reasonable use of the Property. The Board is convinced that the shape and location of the dwelling and porch are also reasonable (which is confirmed when reviewing the survey). The Board notes that the existing dwelling is over 50 years old and needs to be replaced.

- c. The exceptional practical difficulty was not created by the Applicants. The lot was created many years ago and the existing dwelling needs to be replaced. The lot is quite small and the building envelope is very limited due to the small size of the lot and the location of structures on neighboring lands. Due to these conditions, it is impossible for the Applicants to place the manufactured home on the Property without a variance. The Board is convinced that the unique conditions of the Property and the development of adjacent lots have created an exceptional practical difficulty for the Applicants who seeks to place a reasonably sized dwelling and porch on the Property.
- d. The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The Board is convinced that the dwelling and porch will not have a negative impact on the neighborhood. The structures are similar to others in the neighborhood and no evidence was presented which would indicate that the variances would somehow alter the essential character of the neighborhood or be detrimental to the public welfare. The proposed dwelling is also replacing a very old manufactured home that needs to be replaced.
- e. The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The Applicants have demonstrated that the variances sought will allow the Applicants construct a reasonably sized dwelling and porch on the Property.

The Board granted the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application 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 variance 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 September 13, 2016.