

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

**IN RE: HERMAN WILKERSON, CHARLES WILKERSON, CALVIN WILKERSON, &
ROBERT WILKERSON, & EDITH RICKARDS, EXECUTRIX**

(Case No. 11795)

A hearing was held after due notice on July 11, 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 retain a manufactured home type structure.

Findings of Fact

The Board found that the Applicants are requesting to retain a manufactured home type structure. This application pertains to certain real property located on the northeast corner of Pear Tree Road and Lowes Crossing Road. (911 Address: 21473 Lowes Crossing Road, Millsboro); said property being identified as Sussex County Tax Map Parcel Number 3-33-7.00-24.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a letter from Herman & Angela Wilkerson, a portion of the tax map of the area, pictures, and a survey of the Property dated March 19, 2016.
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 Edith Rickards and Calvin Wilkerson were sworn in and testified regarding the Application.
4. The Board found that Ms. Rickards testified that she and her siblings inherited an eleven (11) acre property and the existing manufactured home. Her brother Calvin Wilkerson is interested in keeping the manufactured home.
5. The Board found that Ms. Rickards testified that the manufactured home has been on the Property for twenty (20) years.
6. The Board found that Ms. Rickards testified that the Applicants would like to subdivide one (1) acre from the Property and retain the manufactured home thereon.
7. The Board found that Ms. Rickards testified that the neighbors have no objection to the Application.
8. The Board found that Ms. Rickards testified that the use will not substantially adversely affect the uses of the neighboring and adjacent properties.
9. The Board found that Ms. Rickards testified that family owns the surrounding properties.
10. The Board found that no parties appeared in support of or in opposition to the Application.
11. 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.

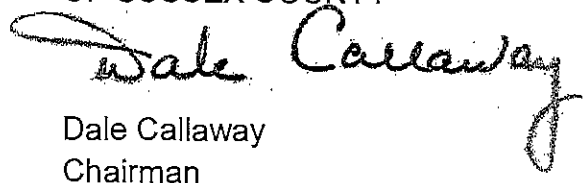
- a. The manufactured home has been located on the Property for approximately 20 years and no complaint about its location was noted in the record.
- b. The Applicants intend to subdivide the Property to leave the manufactured home on a parcel consisting of 1.0279 acres as shown on the survey provided by the Applicants
- c. Most of the adjacent lands are owned by family members and they do not oppose the Application.
- d. No evidence was presented which would demonstrate that the structure will have a substantial adverse effect on neighboring and adjacent properties.

The Board granted the special use exception application 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. 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 September 13, 2016.