

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MICHAEL SPRESSER & MARIAN SPRESSER

(Case No. 11833)

A hearing was held after due notice on September 12, 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 Blueberry Lane approximately 212 feet west of Raspberry Lane (911 Address: 24491 Blueberry Lane, Frankford); said property being identified as Sussex County Tax Map Parcel Number 2-33-14.00-17.04. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a statement from Dr. Christopher Balot, a survey of the Property dated April 3, 2013, a portion of the tax map of the area, literature on the proposed manufactured home, and aerial photographs of the Property.
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 Marian Spresser was sworn in and testified regarding the Application.
4. The Board found that Ms. Spresser testified that the proposed manufactured home will be for her sister-in-law.
5. The Board found that Ms. Spresser testified that the Property consists of 17 acres and has an existing dwelling where she and her husband will live. The proposed unit will use the same septic system and driveway used for the existing dwelling.
6. The Board found that Ms. Spresser testified that the use will not substantially adversely affect the uses of the neighboring and adjacent properties.
7. The Board found that Ms. Spresser testified that her neighbors support the Application.
8. The Board found that no parties appeared in support of or in opposition to the Application.
9. 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 17 acres and is located in a rural area. There is sufficient room on the Property to accommodate this unit.
 - b. The proposed manufactured home will use the same entrance and septic system as the existing dwelling.
 - c. Neighbors support the Application.

- d. No evidence was presented which would demonstrate that the manufactured home would have a substantial adverse effect on neighboring and adjacent properties.
- e. 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' sister, who is disabled.
- f. 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 November 9, 2016