

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CHESTER V. TOWNSEND IV

(Case No. 12025)

A hearing was held after due notice on September 18, 2017. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. John Mills, 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 to accommodate a person with an emergency or hardship situation.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to place a manufactured home type structure to accommodate a person with an emergency or hardship situation. This application pertains to certain real property located on the west side of Falling Point Road (Route 341), approximately 1,320 feet north of Ballast Point Road (Route 341A). (911 Address: 32523 Falling Point Road, Dagsboro); said property being identified as Sussex County Tax Map Parcel Number 1-34-6.00-161.04. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a portion of the tax map of the area, an aerial photograph of the Property, the findings of fact for Case No. 11039, a septic plot plan dated November 25, 2008, a septic permit, and a physician's statement.
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 Shirley Townsend was sworn in and testified regarding the Application.
4. The Board found that Ms. Townsend testified that, in 2014, she came before the Board for approval to place a 2014 model manufactured home on the Property to be used by her mother who was suffering from dementia and other medical problems.
5. The Board found that Ms. Townsend testified that the Board approved the previous application for a period of two (2) years and every year she would get a letter from the doctor confirming that her mother's condition still existed.
6. The Board found that Ms. Townsend testified that the Applicants installed landscaping and a handicap ramp around the home.
7. The Board found that Ms. Townsend testified that the home is barely visible from the road and that the Applicants have several other outbuildings on the Property.
8. The Board found that Ms. Townsend testified that a few months ago her mother passed away and her mother-in-law's husband passed away. Her mother-in-law suffers from Parkinson's disease and needs assistance.
9. The Board found that Ms. Townsend testified that the Applicants would like to use the manufactured home for her mother-in-law.
10. The Board found that Ms. Townsend testified that the use does not substantially affect adversely neighboring properties.
11. The Board found that Ms. Townsend testified that the Applicants have not received any complaints regarding the home and the home has been on the Property since 2014.
12. The Board found that no parties appeared in support of or in opposition to the Application.

13. 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 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 manufactured home is a 2014 model and the un rebutted testimony demonstrates that the home is generally screened from view and has a neat appearance.
 - b. The Property appears large enough to accommodate the home.
 - c. No evidence was presented which would demonstrate that the home would have a substantial adverse effect on neighboring and adjacent properties. The lack of evidence is telling since the home has been on the Property since 2014. If some evidence of a substantial adverse effect existed, the Board would expect such evidence to be submitted into the record. The Board also notes that no complaints were noted to the Applicants or the Board about the location of the home.
 - d. The Applicants also demonstrated that a medical hardship exists, as evidenced by the physician's statement, and that the unit will be used by her mother-in-law to provide her with independence while living next to her family.
 - e. 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, Ms. Ellen Magee, 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 21, 2017