

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

**IN RE: EMORY LEE WILEY**

**(Case No. 12065)**

A hearing was held after due notice on December 11, 2017. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, Mr. John Mills, 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 Puseys Road, approximately 600 feet north of the intersection of Road 472 and Puseys Road. (911 Address: 31030 Puseys Road, Millsboro); said property being identified as Sussex County Tax Map Parcel Number 1-33-18.00-18.02. 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, a property record card, a letter from Dr. Beshara Helou, a promissory note, a permit from the Delaware Department of Resources and Environmental Control ("DNREC"), and an aerial photograph of the Property.
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 Jane Wiley was sworn in and testified regarding the Application.
4. The Board found that Ms. Wiley testified that the Property is located in a rural area on a dead-end road. The Property consists of 6.2 acres and the Applicant owns a neighboring property as well.
5. The Board found that Ms. Wiley testified that the manufactured home is a brand-new manufactured home and she plans to live in the home.
6. The Board found that Ms. Wiley testified that she is on disability and that she will not have a problem obtaining the renewal letter from her doctor as she is in regular contact with him.
7. The Board found that Ms. Wiley testified that she is aware that the special use exception can only be approved for a period of two (2) years and is renewable annually thereafter.
8. The Board found that Ms. Wiley testified that there are many manufactured homes in the neighborhood.
9. The Board found that Ms. Wiley testified that the existing house on the Property is in disrepair and will be removed. The previous home was destroyed by storms.
10. The Board found that Ms. Wiley testified that the Applicants have been living in a camper since August 2017 and have been awaiting the manufactured home.
11. The Board found that Ms. Wiley testified that she spoke with her neighbors and they support the Application.
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 unrebutted, 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.

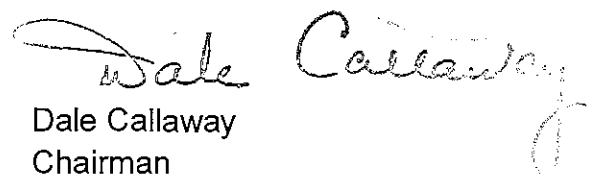
- a. The manufactured home is a new model and likely has a neat appearance; particularly in comparison with the existing home which has fallen into disrepair and needs to be removed from the Property.
- b. The Property is large enough to accommodate the home. The Applicant also owns an adjacent parcel which should reduce the impact of the home on neighboring and adjacent properties.
- c. The un rebutted evidence confirms that there are other manufactured homes in the neighborhood and that the area is rural.
- d. No evidence was presented which would demonstrate that the home would have a substantial adverse effect on neighboring and adjacent properties.
- e. The Applicant also demonstrated that a medical hardship exists, as evidenced by the physician's statement, and that the unit will be used by her.
- f. The Board approved the special use exception for a period of two (2) years subject to the annual renewal requirements thereafter as set forth in the Sussex County Zoning Code §115-23(A).

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. Bruce Mears, Mr. John Mills, 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 February 6, 2018.