

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: WILLIS HARMON

(Case No. 12089)

A hearing was held after due notice on January 22, 2018. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, and Mr. John Mills.

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 south side of Stockley Road, approximately 4,559 feet east of the intersection of Stockley Road and Cool Spring Road. (911 Address: 30074 Stockley Road, Milton); said property being identified as Sussex County Tax Map Parcel Number 2-34-5.00-55.03.

1. The Board was given copies of the Application, a letter from Dr. Jose Pando, minutes and Findings of Fact for Case No. 8991, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received one (1) letter in support of the Application and no correspondence in opposition to the Application.
3. The Board found that Willis Harmon was sworn in to testify about the Application.
4. The Board found that Mr. Harmon testified that there are two manufactured homes on the Property. He lives in one manufactured home and Michael McClimans lives in the other home.
5. The Board found that Mr. Harmon testified that he inherited the manufactured home from his grandmother and he promised his grandmother that he would look out for Mr. McClimans.
6. The Board found that Mr. Harmon testified that Mr. McClimans has lived on the Property for many years.
7. The Board found that Mr. Harmon testified that he has received no complaints about the manufactured home.
8. The Board found that Mr. Harmon testified that neighboring properties were developed after the home was placed on the Property.
9. The Board found that Mr. Harmon testified that the use will not substantially affect adversely adjacent and neighboring properties.
10. The Board found that Mr. Harmon testified that the Property consists of 3.54 acres.
11. The Board found that Tammy Hall, Michael McClimans, Valerie McCray, Kaitlynn Gibbs, and Maurice Tunnell were sworn in and testified in support of the Application.
12. The Board found that Ms. Hall, who is the Applicant's mother, testified that the manufactured home has been on the Property a long time.
13. The Board found that Mr. McClimans testified he suffers from rheumatoid arthritis and heart problems. He has had open heart surgery.
14. The Board found that Ms. McCray testified that she is Mr. McClimans' caretaker and that Mr. McClimans keeps the unit clean.
15. The Board found that five (5) parties appeared in support of the Application.
16. The Board found that no parties appeared in opposition to the Application.
17. 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.

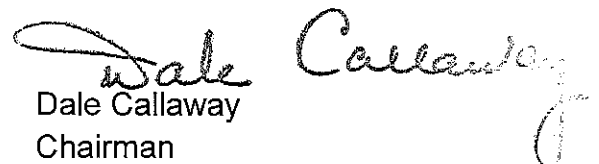
- a. The Property was previously approved for a special use exception for a manufactured home for an emergency hardship. The previous approval expired when the individual who used the manufactured home passed away. The Applicant now seeks approval to restore this special use exception for a family friend who suffers from a medical hardship.
- b. The manufactured home has been on the Property for many years and there have been no complaints noted in the record. This lack of complaints or opposition to the Application is telling because, if there was some substantial adverse effect to neighboring and adjacent properties, the Board would expect neighbors to present such evidence.
- c. The Property is large enough to accommodate the additional manufactured home.
- d. The un rebutted evidence confirms that neighboring properties developed after the Property was already developed by these two manufactured homes.
- e. No evidence was presented which would demonstrate that the home would have a substantial adverse effect on neighboring and adjacent properties.
- f. The Applicant also demonstrated that a medical hardship exists, as evidenced by the physician's statement, and that the unit will be used by Michael McClimans who suffers from the medical hardship.
- g. 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 was approved for a period of two (2) years. The Board Members in favor were Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, and Mr. John Mills. No Board Member voted against the Motion to approve the special use exception application. Mr. Brent Workman did not participate in the discussion or vote on this 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 March 6, 2018.