BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SUN HOMES

(Case No. 12133)

A hearing was held after due notice on May 7, 2018. The Board members present were: Mr. Dale Callaway, Mr. Bruce Mears, Ms. Ellen Magee, Mr. John Mills, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for Variances from the separation distance between units (home to home) (Section 115-172 of the Sussex County Zoning Ordinance).

Findings of Fact

The Board found that the Applicant is seeking a variance of 3.4 feet from the twenty (20) feet separation distance requirement from existing structures on Lot #86 for a proposed manufactured home on Lot #88, a variance of 4.0 feet from the twenty (20) feet separation distance requirement from existing structures on Lot #86 for a proposed set of steps on Lot #88, and a variance of 4.0 feet from the twenty (20) feet separation distance requirement from existing structures on Lot #86 for a proposed HVAC system on Lot #88. The Property is located in a manufactured home park on a parcel of land zoned AR-1 Agricultural Residential. The property is identified as Sussex County Tax Map and Parcel Number 3-34-13.00-310.00 - 3080, with a 911 address of 19986 Center Avenue, Rehoboth Beach, Delaware.

After the hearing, the Board made the following finding of fact:

- 1. The Board was given copies of the Application, a survey of the lot, a copy of the Sea Air Village plot, photographs of the lot, construction details of the proposed home, photographs of similar homes, and a portion of the tax map of the area.
- 2. Jennifer Walls, of Sussex County, described the case and stated that the Office of Planning and Zoning has not received any correspondence concerning the Application.
- 3. The Board found that Rick Shipley was sworn in and testified that he is seeking a variance from the separation distance between homes in a manufactured home park.
- 4. The Board found that Rick Shipley testified that he is seeking a variance from the 20 foot separation distance between homes in a manufactured home park.
- 5. The Board found that Rick Shipley testified that he is the manager of Sea Air Village.
- 6. The Board found that Rick Shipley testified that when Sea Air Village was originally plotted, 12 foot wide homes were available and the lots in the park were laid out in anticipation of the placement of smaller, 12 foot wide homes on the lots.
- 7. The Board found that Rick Shipley testified that there previously was a 12 foot wide home built 1967 on the property. That home has been removed due to its age and condition.
- 8. The Board found that Rick Shipley testified that the manufactured home building industry no longer builds homes that are 12 feet wide.
- 9. The Board found that Rick Shipley testified that 14 feet is the smallest home that is currently constructed.
- 10. The Board found that Rick Shipley testified that with the 14 foot wide homes, separation distances are often required, as is the case here.
- 11. The Board found that Rick Shipley testified that the operator of Sea Air Village will not permit a deck or further encroachments to be installed on the lot.
- 12. The Board found that with a 14 foot wide home, a separation variance is needed for the steps and HVAC unit for the new home.
- 13. The Board found that Rick Shipley testified that a 3.5 foot variance is needed from the 20 foot separation distance for the steps accessing the home and 4 foot wide variance is needed from the 20 foot separation distance for the homes HVAC.
- 14. The Board found that Rick Shipley testified that the need for the variances and the exceptional practical difficulty was not created by the Applicant.
- 15. The Board found that Rick Shipley testified that the variances will not alter the character of the neighborhood.
- 16. The Board found that Rick Shipley testified that the variances are the minimum necessary to afford relief.

- 17. The Board found that Rick Shipley testified that the existing development and use of the property cannot occur without the separation variance.
- 18. The Board found that no parties appeared in support of or in opposition to the Application.
- 19. Based on the findings above and the testimony and evidence presented during the Public Hearing and contained in the Public Record, the Board determined that the Variances from the separation distance between homes in a manufactured home community should be granted. The findings below further support the Board's decision to grant the Variance Application:
 - a. The proposed variances are necessary because current manufactured homes are no longer built with a width of 12 feet; the industry standard is a minimum of 14 feet. Sea Air Village lots now require variances due to the changes in the construction of manufactured homes. Sea Air Village was laid out in 1939.
 - b. The Applicant did not create the unique characteristics of lot.
 - c. Due to the uniqueness of this situation and the Property, the Property cannot be developed in strict conformity with the Sussex Zoning Code. New homes are now wider than when Sea Air Village was developed in 1939, and, as a result, homes cannot be placed in strict conformity with the separation distances in the Sussex Zoning Code if the requested variances are not granted.
 - d. The variances are necessary to enable the reasonable use of the Property and will allow new manufactured homes to replace older ones within Sea Air Village.
 - e. The exceptional practical difficulty was not created by the Applicant. The variances are necessary due to the age of Sea Air Village (1939) and the current minimum width of manufactured homes (14 feet).
 - f. The variances are the minimum necessary to afford relief and they represent the least modifications possible of the regulations at issue.
 - g. The variances will not alter the essential character of the neighborhood.

Based on the foregoing, the Board approved the variances from the separation distance between manufactured homes requirement pursuant to Section 115-172 of the Sussex County Zoning Code.

Decision of the Board

Upon motion duly made and seconded, the variances from the separation distance between manufactured homes requirement pursuant to Section 115-172 of the Sussex County Zoning Code were approved. The Board Members in favor of the approval were Mr. Dale Callaway, Mr. Bruce Mears, Ms. Ellen Magee, Mr. John Mills and Mr. Brent Workman.

BOARD OF ADJUSTMENT OF SUSSEX COUNTY

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Dale Callaway Chairman

If the use is not established within two (2) years from the date below the application becomes void.

Date 1019 10, 2018