

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CHRISTIAN WILLEY & BARBARA WILLEY

(Case No. 12158)

A hearing was held after due notice on June 18, 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 a special use exception to retain a manufactured home type structure for an office and storage.

Findings of Fact

The Board found that the Applicants are requesting a special use to retain a manufactured home type structure for an office and storage. This application pertains to certain real property located on the south side of Abbott's Pond Road, approximately 1,228 feet west of Shawnee Rd. (Route 36); (911 Address: 16136 Abbott's Pond Road, Milford) said property being identified as Sussex County Tax Map Parcel Number 1-30-5.00-79.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a site plan of the Property, an aerial photograph of the Property, a portion of the tax map of the area, the application for Case No. 11177, and the Findings of Fact for Case No. 11177.
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 Christian Willey and Barbara Willey were sworn in to testify about the Application.
4. The Board found that Mr. Willey testified that he is an electrical contractor and he uses the manufactured home type structure as an office for his electric business. The structure is also used for storage of personal and business items. The unit has a bathroom but no kitchen.
5. The Board found that Mr. Willey testified that the roof was remodeled to a metal A-Frame roof and he keeps the manufactured home in good shape.
6. The Board found that Mr. Willey testified that there are also two (2) sheds, the dwelling, and a pool on the Property.
7. The Board found that Mr. Willey testified that the Property was 3.5 acres and now it consists of 4.19 acres. He acquired additional lands.
8. The Board found that Mr. Willey testified that the use will not substantially affect adversely neighboring and adjacent properties.
9. The Board found that no parties appeared in support or in opposition to the Application.
10. 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 manufactured home-type structure 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 lot as shown on the site plan and tax map. The Property can easily hold this unit without overburdening the site.
 - b. The Applicant owns an electrical contracting business and the structure is used for office space and storage related to that business. The structure has been on the site for many years and, despite its longtime placement on

the Property, no complaints were noted in the record about its location. This lack of evidence is telling because the Board would expect some evidence of a substantial adverse effect from neighbors if such effect existed.

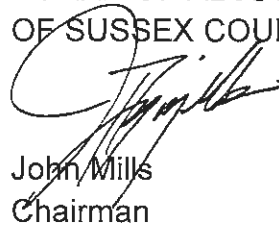
- c. No evidence was presented which convinced the Board that the structure will have a substantial adverse effect on neighboring and adjacent properties.
- d. The special use exception was approved for a period of five (5) years.

The Board granted the special use exception application for a period of five (5) 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 five (5) years. The Board Members in favor were Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, Mr. John Mills, and Mr. Brent Workman. No Board Member voted against the Motion to approve the special use exception application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



John Mills
Chairman

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

Date September 11, 2018