

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MAURICE NIBLETT

(Case No. 12306)

A hearing was held after due notice on May 20, 2019. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. John Mills, Mr. John Williamson, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to place a manufactured home type structure for a medical hardship.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to place a manufactured home type structure for a medical hardship. This application pertains to certain real property located on the west side of BiState Boulevard approximately 0.40 miles north of Salt Barn Road (911 Address: 34110 BiState Boulevard, Laurel) said property being identified as Sussex County Tax Map Parcel 3-32-3.00-91.03. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a survey of the Property dated June 14, 2010, medical records, 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 and Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Maurice Niblett was sworn in to testify about the Application.
4. The Board found that Mr. Niblett testified that he will need three operations and he wants to place a manufactured home on the Property so that his son and daughter-in-law can help take care of him during his rehabilitation. His son and daughter-in-law also live on the Property.
5. The Board found that Mr. Niblett testified that the manufactured home will not substantially affect adversely the uses of neighboring and adjacent properties.
6. The Board found that Mr. Niblett testified that the manufactured home will be out of view and the lot is large.
7. The Board found that Mr. Niblett testified that the manufactured home it will be located at least 200 feet from neighboring homes.
8. The Board found that Mr. Niblett testified that there are several manufactured homes in the area.
9. The Board found that Mr. Niblett testified that the neighbors do not oppose the request.
10. The Board found that Mr. Niblett testified that the manufactured home is a 1988 model and is good shape. The unit will be remodeled.
11. The Board found that Mr. Niblett testified that there is a railroad line adjacent to the rear of the Property.
12. The Board found that no one 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 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 was previously approved for a special use exception for a manufactured home for a medical hardship. The manufactured home will be used for the Applicant who suffers from medical problems which necessitate assistance from family members. The Applicant's son lives on the house on the Property.
- b. The manufactured home will be located approximately 200 feet away from the nearest dwelling on neighboring lands.
- c. The Property is large enough to accommodate the manufactured home.
- d. The un rebutted evidence confirms that there are other manufactured homes in the neighborhood and that the Property is adjacent to a railroad line.
- 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 Maurice Niblett 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 of the motion to approve were Mr. Dale Callaway, Ms. Ellen Magee, Mr. John Mills, Mr. John Williamson, 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 June 18, 2019.