

Minutes of September 12, 1994

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, September 12, 1994 in the Court of Common Pleas Court Room, Courthouse, Georgetown, Delaware.

The meeting was called to order at 7:00 P. M. with Chairman McCabe presiding. The Board members present were: Mr. McCabe, Mr. Mills, Mr. Wheatley, Mrs. Hudson, Mr. Callaway, Mr. Jones-Attorney and Mr. Betts-Zoning Inspector III.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the minutes of August 29, 1994 be approved as circulated.

Case No. 5437--Mary Boleslowski - Northeast side of Route 16A,  $\frac{1}{2}$  mile southeast of Route 16, Broadkill Beach.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Mary Boleslowski was sworn in and testified, requesting a 4' variance from the 10' side yard setback for an addition. She stated that the Homeowner's Association has no problem with her request.

Mr. Betts stated that the structure already encroaches out into the setbacks and the addition will go out no further than what exists.

There were no parties present in opposition.

Motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that the variance be granted.

Case No. 5438--William B. Webb - At the intersection of Route 321 and Route 48, Lot 12, within Rawlins Manor.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. William Webb was sworn in and testified, requesting a 8' variance from the 40' front yard setback to be 32', on Lot 12, Rawlins Manor. The applicant proposes to construct a porch on his home. He has a lot that has two frontages and is on a corner and a variance is needed. He stated that he owns two lots behind his property. An existing deck will be moved.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the variance be granted.

Case No. 5439--Seigmund Faber - South side of Route 54, at the intersection with Route 381, Lot 24, within Keenwick Sound.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. There were no parties present representing the application. Since there was an interested party present, the Chairman opened the hearing.

The applicant requested a 1' variance from the front yard setback of 30' to be 29', on Lot 24, Keenwick Sound, for a shed.

There were no parties present in favor of the application.

Thomas F. Norton, Jr. was sworn in and testified in opposition, stating he is a member of the Architectural Review Committee, and presented a letter from the Committee. He stated that they want the applicant to conform to the development rules/restrictions. They require the shed be put in the side or rear yard. They want the applicant to put the shed further back on the property. He stated the shed had been on the property many years, but they were not aware it is in violation.

Mr. Betts read the letter of opposition presented from the Association, Arthur League, President.

The Chairman left the hearing open to give the applicant time to appear.

At the conclusion of the public hearings, the Chairman referred back to this case. There were no parties present representing this case.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the variance be denied for failure of the applicant or a representative to appear to present the case, and there was no evidence presented in favor.

Case No. 5440--Pot Nets Homes - South side of Route 22,  $\frac{1}{4}$  mile west of Massey's Landing, Lot 61, within Indian Landing.

A variance from the height requirement in a park.

This case was withdrawn.

Case No. 5441--Robert & Annette Reeping - East side of Route 361, 400 feet north of Route 362.

A special use exception to operate a golf driving range.

The case was presented by Mr. Betts. Robert Reeping was sworn in and testified and was represented by Brian Shirey, Attorney. Mr. Reeping requested to operate a golf driving range on 23.46 acres. Mr. Shirey made reference to his prepared graphics. He stated the use has been reviewed by the Department of Transportation.

Jeffrey Clark from Land Tech, was sworn in and testified in behalf of the application and explained an exhibit showing the proposed

golf driving range with parking. He stated that access will be from Route 361. He showed where the patrons will stand. Also that there will be an equipment building to house mowing equipment and equipment to pick-up golf balls, plus a club house. An evergreen buffer is proposed and a 25' fence on the south side of the property and netting to the rear of the property. Hours will be 6:00 A. M. to 11:00 P. M., with lighting being behind tee structures. Pictures were shown. The applicants propose to work with schools to promote the use to students. There will be no noise other than hitting balls. A sign, which is permitted, will be erected. There is no fencing planned for the north side of the property. They will operate from March 15 to November 15.

There were no parties present in opposition.

Motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, the Chairman referred back to this case. After some discussion, motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously that the special use exception be granted for a period of five (5) years, with the stipulation that adequate protection be provided to protect neighboring properties.

Case No. 5442--William A. Meyer - South side of Arnett Road, Lot 3,  
within Meadow Acres.

A variance from the front yard and the side yard setback requirements.

The case was presented by Mr. Betts. William Meyer was sworn in and testified, requesting a 12' variance from the front yard setback requirement for a dwelling and a .3' variance from the side yard setback requirement for an accessory structure on Lot 3, Meadow Acres. The structures were both built in 1989 and the encroachments were discovered when the applicant applied for refinancing. He stated there is no Homeowner's Association in the development.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Callaway and carried unanimously that the variances be granted.

Case No. 5443--Alton D. & Annie B. King - North side of Route 224,  
on the west side of the intersection with  
Route 214.

A variance from the minimum lot frontage requirement and a variance from the side yard setback requirement.

The case was presented by Mr. Betts. Alton & Annie King were sworn in and testified, requesting a 44.25' variance from the 150' frontage for a new parcel that will be 105.75' and a 9.9' variance from the side yard setback of 15' for a 30'x 24' building and a

12.58' variance from the 150' frontage for a new parcel.

Mr. Betts stated that the applicants have a store and building that has been on the property for years. The store has been sold and they are seeking to subdivide the store property away from the total property.

There were no parties present in opposition.

Motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that the variances be granted.

Case No. 5444--Queen Anne Station, Inc. - North side of Route 24,  
356 feet west of Route 309.

A special use exception for an off-premise sign.

The case was presented by Mr. Betts. Clay Monroe was sworn in and testified representing Queen Anne Station, Inc., who requested a special use exception to erect a billboard to have 600 sq. ft. of rental space. The sign will be double-faced for off-premise advertising. The property is located where Faucetts Garden Center was located. A small sign on the property will be removed. A picture was shown of the type of sign proposed.

There were no parties present in opposition.

Motion was made by Mr. Wheatley, seconded by Mr. Mills and carried unanimously that the special use exception be granted, finding the use will not adversely affect the neighborhood.

Case No. 5445--James R. Ross - South side of Route One across from  
Route 271, Lot A74, within Sea Air Village.

A variance from the setback requirement between units in a park.

The case was presented by Mr. Betts. James Ross was sworn in and testified, requesting a 2' variance from the 20' setback requirement between units in a park to be 18', on Lot A74, within Sea Air Village, for a porch. He stated that there are similar situations in the park. He presented a letter from the park.

Mr. Betts read the letter presented from Sandra Stintsman, Manager and Robert Littleton, Maintenance Supervisor, voicing no objections.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the variance be granted.

Case No. 5446--Lido Realty Co. - South side of Route 22 (Long Neck  
Road), 1,390 feet east of Route 298.

A special use exception to place a tent for special purposes.

The case was presented by Mr. Betts. Louis Catalfamo, Operations Manager and Wayne Sharp were sworn in and testified, representing Lido Realty Co. and were represented by Jack Phillips, Attorney. The applicants requested to operate a tent for special purposes for a maximum of five years from May 1 through November 1, until 12:00 A.M. The tent will house outside dining area and family entertainment. They have operated this summer unaware that a public hearing was needed for the tent. They stated the tent is fire proof and a permanent temporary structure. Approval has been given by the Fire Code and ABCC. The hours of use will be more restrictive in the fall and will never be used without the restaurant being open. They have operated one or two nights a week, mainly on weekends, according to Mr. Phillips. Alcohol is served in the facility. The tent has also been used for a boat show, craft show and car show. There is different types of music provided, but no heavy metal.

Louis Catalfamo stated that when there is no band, there is outside dining and line dancing with instructors. All is done when serving dinner. 170 people are allowed.

Mr. Phillips stated that food has to be served in order to serve alcohol.

Willard Davis, who lives  $\frac{1}{4}$  to  $\frac{1}{2}$  mile away, was sworn in and testified in behalf of the application. He feels the applicants have created the best family oriented establishment ever, a great situation.

Roberta Luhock was sworn in and testified in behalf of the application, stating she moved here in May and feels it is a very safe place to have a good time.

Cheryl and Albert Gargano, Jr. were sworn in and testified in behalf of the application, stating they put a car show on and the proceeds go to needy families at Christmas. They also go every week for entertainment. They feel it is a family affair. Mr. Gargano stated he is a retired Police Officer and that children can go to the tent entertainment. He is in favor.

Terri Lynn Martin was sworn in and testified in behalf of the application, stating she is a dance instructor and taught dancing to all ages. She stated it is fun and there is no rowdiness. She stated that there is no other place close by to go and provide this use. It is free to the public, Grottos' pays. There is no heavy drinking and parents and children can attend.

Gail Santora, from New Castle, was sworn in and testified in opposition. She has a manufactured home in Enchanted Acres and is opposed to the accessive noise from the music played in the tent. She is concerned about the peace in the neighborhood being destroyed. She stated the bands play four nights a week. She does not oppose Grotto's business, just the tent and noise. She feels it destroys property values. She feels she would have trouble selling her unit if it continues.

Karen and James Sekcieoski were sworn in and testified in opposition and presented a petition of opposition with 30 signatures. They live in Enchanted Acres and oppose the noise. Mrs. Sekcieoski stated she will soon have a baby and is concerned about noise and

the baby sleeping. They also stated traffic problems. The noise disrupts their sleep.

Susan Hammond, lives in Enchanted Acres, was sworn in and testified in opposition, stating that the back of her manufactured home is closest to the tent and she opposes the noise. She stated they operate four nights a week. She also stated there is a noise ordinance in the park, no accessive noise after 10:00 P. M.

By a show of hands there were 13 people present in opposition.

Kenneth J. Davis was sworn in and testified in opposition, stating he lives 1/8 mile away and his windows rattle from noise. He works 6 to 7 days a week and needs rest. He also stated he won't be able to sell his property.

Henry McCann, owner of Enchanted Acres Park, was sworn in and testified in opposition, stating he hears complaints from the renters in his park about the noise. He suggested they put the music in the building and dining in the tent. He feels he will have trouble renting lots in the park.

Mr. Phillips in rebuttal stated they have 645 yellow sheets, which were presented, with signatures of patrons giving their opinion to the tent use. There was no negative response according to Mr. Phillips. A petition with signatures in favor was presented as were pictures. Mr. Phillips stated that they could have the music outside without the tent, but they feel the tent will help confine the music sound. He feels the opposition has been against noise and not the tent as requested.

Alvera Parks was sworn in and testified in opposition, stating she is a business woman and feels the ABCC should visit the site and revoke the license. She feels the applicants should keep the noise under control.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, the Chairman referred back to this case. After some discussion, motion was made by Mr. Callaway, seconded by Mrs. Hudson and carried unanimously that the case be tabled until the first meeting in October, being October 3, 1994.

Case No. 5447--Bryce B., Jr. & Lee Ellen Bryan - South side of Route 480, 480 feet east of Route 489.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

The case was presented by Mr. Betts. Bryce B., Jr. and Ellen Bryan were sworn in and testified, requesting to place a manufactured home on property for their cousin's residence. They are hoping to sell the property to their cousin and want to be sure a manufactured home can be put on the property. The deed and manufactured home will

be in the cousin's name. Pictures of the area were presented. There are other manufactured homes in the area.

Sandra Cuglar was sworn in and testified in favor of the application, stating she lives in a development near the property.

Jesse T. Flynn, Jr. was sworn in and testified in opposition, stating he lives in a house adjacent to the applicants property and expressed concern about the drain field. He feels that there are other places to put the manufactured home and that there is a manufactured home park nearby. He feels the manufactured home will affect his home.

Jay Luff was sworn in and testified in opposition questioning who will live in the manufactured home. He stated his home is situated between two manufactured homes and another will affect his property values.

Ms. Cugler stated that there is a manufactured home development in the area and not a park. She also stated that the manufactured homes were there before the homes were built.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, the Chairman referred back to this case. After some discussion, motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the special use exception be granted, finding the use will not adversely affect the area.

Case No. 5448--Robert R. & Jeanette M. Cleary - West side of Route 39A, 825 feet south of Route 39, Lot 88, within Joseph D.Short's Fifth Addition to Prime Hook.

A variance from the front yard and the side yard setback requirements.

The case was presented by Mr. Betts. Jeanette Cleary was sworn in and testified and was represented by Ned Maull, Attorney. The applicants requested a 9' variance from the 10' side yard setback requirement and a 10.3' variance from the front yard setback requirement for a house, porch and 2nd. floor deck. The house was built in 1976 and the encroachment was discovered when they refinanced the house. The house is on pilings and the encroachments existed when the applicants bought the property. They have a small 55'x 105' lot, being Lot 88, Joseph D. Short's Fifth Addition to Prime Hook. Mr. Maull stated that they would remove the small deck area if needed, since it is the major encroachment.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the variance requestes be granted as is, due to the odd shape and width of the lot.

Case No. 5449--Mary Bernadine Paradise - Southeast side of Route 277,  $\frac{1}{4}$  mile east of Route 24, Lot 15W, Sec. 5, Bridgeway Drive East, within Angola By The Bay.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Mary Bernadine Paradise and Bart Crivella were sworn in and testified in behalf of the application. The applicant requested a 5' variance from the 10' side yard setback requirement to extend an existing 4' deck to make a screened porch. Mr. Crivella presented copies of a site plan and explained the addition to be constructed on Lot 15W, Angola By The Bay.

Mr. Betts read a letter in favor of the variance request from Angola By The Bay Building Control Committee, John H. Dow, General Manager.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the variance be granted, finding it is an odd shaped lot.

Case No. 5450--Phyllis H. & Edwin L. Delaney - Northeast side of Route 394, 940 feet southeast of Route 394A, Lot 4, within Rio Rico Estates.

A variance from the rear yard setback requirement.

The case was presented by Mr. Betts. Phyllis & Edwin Delaney were sworn in and testified, requesting a  $1\frac{1}{2}$ ' variance from the rear property line setback requirement of 20'. It was stated that the house has been on the property, Lot 4, Rio Rico Estates, since 1986. A deck was built on the dwelling. The encroachment was discovered when a survey was done for refinancing.

Mr. Betts stated that a 2' variance is needed for the encroachment.

Letters from neighbors in favor were presented.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Wheatley and carried unanimously that the variance be granted.

Case No. 5451--Delphine Amrhein - East side of Route 13A, 900 feet north of Route 501.

A variance from the minimum lot width requirement.

The case was presented by Mr. Betts. Delphine and John Amrhein were sworn in and testified, requesting a 45.4' variance from the 150' frontage required for creating 2 lots. The applicants stated that when they purchased the property they understood it could be

subdivided. Since that time the rules have changed and a 150' road frontage per lot is needed. Each lot will have a road frontage of 104.60'. They propose to sell the property. The existing house is situated on the property so the setbacks will be met when the property is subdivided.

Mr. Betts read letters from Blanche Culver and Nancy Riffin, from neighboring properties, in favor of the request.

There were no parties present in opposition.

Motion was made by Mr. Wheatley, seconded by Mr. Mills and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, the Chairman referred back to this case. After some discussion, motion was made by Mr. Mills, seconded by Mr. Wheatley and carried unanimously that the variance be granted.

#### OLD BUSINESS

Cae No. 5388 (cont'd.)--Michael Townsend, Sr. - North side of Route 471,  $\frac{1}{4}$  mile west of Route 432, Lot No. 5.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

The case was reviewed by Mr. Betts.

Mr. Mills, Board Member, read a prepared statement which stated:

In order for the Board of Adjustment to grant a special use exception, it must find, as a matter of fact, that the special use exception will not substantially affect adversely the uses of adjacent and neighboring properties.

This matter involves placement of a manufactured home on a lot of 1.0 acres, located on Road 471. The lot is one of ten lots located in a strip subdivision development. All lots are 150 feet in width.

I realize that there are manufactured homes located on other parcels in the area. In fact, the Board of Adjustment has granted approval of some of those manufactured homes. I cannot, however, vote in favor of this special use exception for the following reasons:

1. Approval of a special use exception on this lot will set a precedent for other lots in this subdivision. It is impossible to view this lot as an isolated parcel, since the Board of Adjustment has already turned down another parcel in the subdivision for a similar special use exception request. Applications are pending on other parcels in the same subdivision. By granting this special use exception, the Board would be giving its blessing to a ten lot manufactured home subdivision.

2. It is my opinion that a ten lot manufactured home subdivision in the area could substantially affect adversely the uses of adjacent and neighboring properties. Stated otherwise, I am not convinced that the applicant has shown that this special use exception, and the resulting manufactured home subdivision, would not substantially affect adversely the uses of adjacent and neighboring properties.

3. I agree with the opposition that the area is primarily rural farmland, with homes and manufactured homes located randomly about. This special use exception and the resulting ten lot manufactured home subdivision are not in character with the surrounding area.

4. There are manufactured home parks in the area, where there are parcels available for the placement of manufactured homes.

5. I am concerned that this special use exception, and the resulting ten lot manufactured home subdivision, could devalue stick-built homes in the area. A manufactured home is not of the same quality of construction as a stick-built home. Substantial manufactured home development could devalue existing stick-built homes. The applicant has submitted insufficient evidence to rebut that point.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the special use exception be denied.

Mr. Mills	voting	nay	- for the reasons stated
Mrs. Hudson	voting	nay	- adopted reasons stated by Mr. Mills
Mr. Wheatley	voting	nay	- adopted reasons stated by Mr. Mills
Mr. Callaway	voting	nay	- adopted reasons stated by Mr. Mills
Mr. McCabe	voting	nay	- adopted reasons stated by Mr. Mills

Case No. 5425--(cont'd.)Mark Brittingham & Lisa Webb - North side of Route 471, 1,000 feet west of Route 432.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

The case was reviewed by Mr. Betts.

Mr. Mills, Board Member, read a prepared statement which stated:

In order for the Board of Adjustment to grant a special use exception, it must find, as a matter of fact, that the special use exception will not substantially affect adversely the uses of adjacent and neighboring properties.

This matter involves placement of a manufactured home on a lot of 1.0 acres, located on Road 471. The lot is one of ten lots located in a strip subdivision development. All lots are 150 feet in width.

I realize that there are manufactured homes located on other parcels in the area. In fact, the Board of Adjustment has granted

approval of some of the manufactured homes. I cannot, however, vote in favor of this special use exception for the following reasons:

1. Approval of a special use exception on this lot will set a precedent for other lots in this subdivision. It is impossible to view this lot as an isolated parcel, since the Board of Adjustment has already turned down another parcel in the subdivision for a similar special use exception request. Applications are pending on other parcels in the same subdivision. By granting this special use exception, the Board would be giving its blessing to a ten lot manufactured home subdivision.
2. It is my opinion that a ten lot manufactured home subdivision in the area could substantially affect adversely the uses of adjacent and neighboring properties. Stated otherwise, I am not convinced that the applicant has shown that this special use exception, and the resulting manufactured home subdivision, would not substantially affect adversely the uses of adjacent and neighboring properties.
3. I agree with the opposition that the area is primarily rural farmland, with homes and manufactured homes located randomly about. This special use exception and the resulting ten lot manufactured home subdivision are not in character with the surrounding area.
4. There are manufactured home parks in the area, where there are parcels available for the placement of manufactured homes.
5. I am concerned that this special use exception, and the resulting ten lot manufactured home subdivision, could devalue stick-built homes in the area. A manufactured home is not of the same quality of construction as a stick-built home. Substantial manufactured home development could devalue existing stick-built homes. The applicant has submitted insufficient evidence to rebut that point.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the special use exception be denied.

Mr. Mills	voting	nay	- for the reasons stated
Mrs. Hudson	voting	nay	- adopted reasons stated by Mr. Mills
Mr. Wheatley	voting	nay	- adopted reasons stated by Mr. Mills
Mr. Callaway	voting	nay	- adopted reasons stated by Mr. Mills
Mr. McCabe	voting	nay	- adopted reasons stated by Mr. Mills

Case No. 4529--(cont'd.)Lorne Brasure - North side of Route 471,  $\frac{1}{4}$  mile west of Route 432.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

The case was reviewed by Mr. Betts.

Mr. Mills, Board Member, read a prepared statement which stated:

In order for the Board of Adjustment to grant a special use exception, it must find, as a matter of fact, that the special use exception will not substantially affect adversely the uses of adjacent and neighboring properties.

This matter involves placement of a manufactured home on a lot of 1.0 acres, located on Road 471. The lot is one of ten lots located in a strip subdivision development. All lots are 150 feet in width.

I realize that there are manufactured homes located on other parcels in the area. In fact, the Board of Adjustment has granted approval of some of those manufactured homes. I cannot, however, vote in favor of this special use exception for the following reasons:

1. Approval of a special use exception on this lot will set a precedent for other lots in this subdivision. It is impossible to view this lot as an isolated parcel, since the Board of Adjustment has already turned down another parcel in the subdivision for a similar special use exception request. Applications are pending on other parcels in the same subdivision. By granting this special use exception, the Board would be giving its blessing to a ten lot manufactured home subdivision.

2. It is my opinion that a ten lot manufactured home subdivision in the area could substantially affect adversely the uses of adjacent and neighboring properties. Stated otherwise, I am not convinced that the applicant has shown that this special use exception, and the manufactured home subdivision, would not substantially affect adversely the uses of adjacent and neighboring properties.

3. I agree with the opposition that the area is primarily rural farmland, with homes and manufactured homes located randomly about. This special use exception and the resulting ten lot manufactured home subdivision are not in character with the surrounding area.

4. There are manufactured home parks in the area, where there are parcels available for the placement of manufactured homes.

5. I am concerned that this special use exception, and the resulting ten lot manufactured home subdivision, could devalue stick-built homes in the area. A manufactured home is not of the same quality of construction as a stick-built home. Substantial manufactured home development could devalue existing stick-built homes. The applicant has submitted insufficient evidence to rebut that point.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the special use exception be denied.

Mr. Mills	voting	nay	- for the reasons stated
Mrs. Hudson	voting	nay	- adopted reasons stated by Mr. Mills
Mr. Wheatley	voting	nay	- adopted reasons stated by Mr. Mills
Mr. Callaway	voting	nay	- adopted reasons stated by Mr. Mills
Mr. McCabe	voting	nay	- adopted reasons stated by Mr. Mills

Case No. 5432--(cont'd.)--Ronald L. & Wanda Layton - North side of  
Route 471, 1,600 feet west of Route 432,  
Lot 4.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

The case was reviewed by Mr. Betts.

Mr. Mills, Board Member, read a prepared statement which stated:

In order for the Board of Adjustment to grant a special use exception, it must find, as a matter of fact, that the special use exception will not substantially affect adversely the uses of adjacent and neighboring properties.

This matter involves placement of a manufactured home on a lot of 1.0 acres, located on Road 471. The lot is one of ten lots located in a strip subdivision development. All lots are 150 feet in width.

I realize that there are manufactured homes located on other parcels in the area. In fact, the Board of Adjustment has granted approval of some of those manufactured homes. I cannot, however, vote in favor of this special use exception for the following reasons:

1. Approval of a special use exception on this lot will set a precedent for other lots in this subdivision. It is impossible to view this lot as an isolated parcel, since the Board of Adjustment has already turned down another parcel in the subdivision for a similar special use exception request. Applications are pending on other parcels in the same subdivision. By granting this special use exception, the Board would be giving its blessing to a ten lot manufactured home subdivision.

2. It is my opinion that a ten lot manufactured home subdivision in the area could substantially affect adversely the uses of adjacent and neighboring properties. Stated otherwise, I am not convinced that the applicant has shown that this special use exception, and the resulting manufactured home subdivision, would not substantially affect adversely the uses of adjacent and neighboring properties.

3. I agree with the opposition that the area is primarily rural farmland, with homes and manufactured homes located randomly about. This special use exception and the resulting ten lot manufactured home subdivision are not in character with the surrounding area.

4. There are manufactured home parks in the area, where there are parcels available for the placement of manufactured homes.

5. I am concerned that this special use exception, and the resulting ten lot manufactured home subdivision, could devalue stick-built homes in the area. A manufactured home is not of the same quality of construction as a stick-built home. Substantial

manufactured home development could devalue existing stick-built homes. The applicant has submitted insufficient evidence to rebut that point.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the special use exception be denied.

Mr. Mills	voting	nay	- for the reasons stated
Mrs. Hudson	voting	nay	- adopted reasons stated by Mr. Mills
Mr. Wheatley	voting	nay	- adopted reasons stated by Mr. Mills
Mr. Callaway	voting	nay	- adopted reasons stated by Mr. Mills
Mr. McCabe	voting	nay	- adopted reasons stated by Mr. Mills

Case No. 5435--(cont'd.)--Shelly Wilson - North side of Route 471,  
½ mile west of Route 432, Lot 6.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

The case was reviewed by Mr. Betts.

Mr. Mills, Board Member, read a prepared statement which stated:

In order for the Board of Adjustment to grant a special use exception, it must find, as a matter of fact, that the special use exception will not substantially affect adversely the uses of adjacent and neighboring properties.

This matter involves placement of a manufactured home on a lot of 1.0 acres, located on Road 471. The lot is one of ten lots located in a strip subdivision development. All lots are 150 feet in width.

I realize that there are manufactured homes located on other parcels in the area. In fact, the Board of Adjustment has granted approval of some of those manufactured homes. I cannot, however, vote in favor of this special use exception for the following reasons:

1. Approval of a special use exception on this lot will set a precedent for other lots in this subdivision. It is impossible to view this lot as an isolated parcel, since the Board of Adjustment has already turned down another parcel in the subdivision for a similar special use exception request. Applications are pending on other parcels in the same subdivision. By granting this special use exception, the Board would be giving its blessing to a ten lot manufactured home subdivision.

2. It is my opinion that a ten lot manufactured home subdivision in the area could substantially affect adversely the uses of adjacent and neighboring properties. Stated otherwise, I am not convinced that the applicant has shown that this special use exception, and the resulting manufactured home subdivision, would not substantially affect adversely the uses of adjacent and neighboring properties.

3. I agree with the opposition that the area is primarily rural farmland, with homes and manufactured homes located randomly about. This special use exception and the resulting ten lot manufactured home subdivision are not in character with the surrounding area.

4. There are manufactured home parks in the area, where there are parcels available for the placement of manufactured homes.

5. I am concerned that this special use exception, and the resulting ten lot manufactured home subdivision, could devalue stick-built homes in the area. A manufactured home is not of the same quality of construction as a stick-built home. Substantial manufactured home development could devalue existing stick-built homes. The applicant has submitted insufficient evidence to rebut that point.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the special use exception be denied.

Mr. Mills	voting	nay	- for the reasons stated
Mrs. Hudson	voting	nay	- adopted reasons stated by Mr. Mills
Mr. Wheatley	voting	nay	- adopted reasons stated by Mr. Mills
Mr. Callaway	voting	nay	- adopted reasons stated by Mr. Mills
Mr. McCabe	voting	nay	- adopted reasons stated by Mr. Mills

#### OTHER BUSINESS

Case No. 5143--William Klingenberg

Request for an extension.

Mr. Betts read a letter from the applicant requesting an extension on his Case No. 5143, approved by the Board for a manufactured home in 1993.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously to grant a one (1) year extension for Case No. 5143.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the meeting be adjourned.

Meeting adjourned at 9:29 P. M.