CITY OF DOVER BOARD OF ADJUSTMENT
AGENDA
Wednesday, November 16, 2016 at 9:00 AM

City Hall Council Chambers
15 Loockerman Plaza, Dover, Delaware

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES of October 19, 2016 Meeting

OLD BUSINESS

NEW BUSINESS

Applicant #V-16-15
Property at 823 East Loockerman Street. Georgia Heininger-Trader has appealed the decision of the City Planner to the Board of Adjustment regarding the issuance of Building Permit #15-1192 on October 14, 2015 and the issuance of the Certificate of Occupancy on December 2, 2015 associated with the permitting and placement of a manufactured home as a one-family detached dwelling unit on the property at 823 East Loockerman Street. Property Address: 823 East Loockerman Dover. Subject property is zoned R-8 (One Family Residence Zone). The Tax Parcel is ED-05-077.06-02-55.00-000. The current property owner of record is Brenda Redlich.

ADJOURN

29 Del.C. § 10004(e)(2)
THE AGENDA ITEMS MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

CITY OF DOVER
BOARD OF ADJUSTMENT MINUTES
October 19, 2016

A Regular Meeting of the City of Dover Board of Adjustment was held on Wednesday, October 19, 2016 at 9:03 A.M. with Chairman Sheth presiding. Members present were Chairman Sheth, Mr. Hufnal, Mr. Keller and Colonel Ericson. Mr. Senato was absent.

Staff members present were Mrs. Townshend, Mrs. Purnell, Mr. Diaz, Mr. Cook and City Solicitor Nick Rodriguez.

APPROVAL OF AGENDA

Mr. Hufnal moved to approve the agenda as submitted. The motion was seconded by Mr. Keller and unanimously carried 4-0. Mr. Senato was absent.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF SEPTEMBER 21, 2016

Mr. Keller moved to approve the meeting minutes of September 21, 2016 with the necessary corrections, seconded by Mr. Hufnal and unanimously carried 4-0. Mr. Senato was absent.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATION

Mrs. Townshend, Director of Planning and Community Development stated that the meeting today will be conducted in accordance with the agenda. There are three (3) agenda items: One (1) deferred item under Old Business, and one (1) new item under New Business. The application file will be read, and the floor will be opened for questions of the applicant by the Board and for public testimony. If the Board needs to consult the City Solicitor, they will recess to discuss legal matters. If the applicant must leave, they can contact the Planning Office at 736-7196 to learn of the Board's decision. A formal notice of the decision will be mailed to the applicants. Approved variances expire after one year if the approved project has not commenced.

All public notice for the new application on this agenda was completed in accordance with code requirements. The meeting agenda was posted in accordance with Freedom of Information Act requirements.

Mrs. Townshend stated that Mr. Ede Ide was present on behalf of the applicant. The ordinance to address the height and the corridor overlay zone currently remains tabled at the City Council level. City Council has not acted on the ordinance and the applicant was notified of today's hearing and that the Board was interested in taking action.

Responding to Chairman Sheth's question whether the application was tabled by City Council, Mrs. Townshend replied yes.

Responding to Chairman Sheth's question whether the Board would like to discuss the application at the current time or wait until final decision has been made by City Council and to Colonel

Ericson's question if the Board decided one way or the other that the City Council decision would still supersede whatever the Board decides. Mr. Rodriguez replied that it would only affect the ordinance, and would not have anything to do with this particular case. The last time the Board wanted to take Final Action on the case it was indicated in the September meeting minutes that this would take place at the October 19, 2016 meeting. It was also mentioned that notice would be given to the applicant. The application was tabled by Mr. Keller's motion 4-0 and that is the current status.

OLD BUSINESS

Applicant #V-16-06

1310-1324 Forrest Avenue. Margaret H. Johnson has requested a variance from the requirements of *Zoning Ordinance* Article 3 §27.66 pertaining to the maximum allowed height of buildings located with the COZ-1 (Corridor Overlay Zone). Subject property is zoned C-2A (Limited Central Commercial Zone) and subject to the COZ-1. Tax Parcels are ED-05-076.10-01-01.00-000, ED-05-076.10-01-02.00-000, ED-05-076.10-01-03.00-000, ED-05-076.10-01-04.00-000, ED-05-076.10-01-04.01-000. The owner of record is Margaret H. Johnson.

At its meeting of June 15, 2016 the Board of Adjustment conducted a public hearing but deferred action. *There are no updates on application V-16-06 and it will continue to be deferred. City Council is considering a text amendment and this application will ultimately be decided or withdrawn depending on the path of the text amendment. The applicant has been notified that Final Action will be taken today.*

Exhibits for the Record: Staff report and plans previously submitted by the applicant. Legal Notice was published in the DSN - on October 9, 2016. The public was notified in accordance with regulations.

Representative: Mr. Edward H. Ide III, President of i3a Consulting Engineering Firm.

Mr. Edward H. Ide was sworn in by Mr. Rodriguez.

Mr. Ide testified that he was present on behalf of the owner Margaret H. Johnson to respectively ask that the application again be tabled. Previous discussions with the owner had been to await City Council's decision regarding revisions to the Corridor Overlay Zone. The last time he was present there was some discussion of perhaps compromising regarding the height of the building. The applicant is seeking a 4-story building and currently he has been unable to contact the owner to discuss whether or not he could make a decision today versus waiting on a decision from City Council. He was not in a great position to speak on behalf of the owner because he has not had the opportunity to talk with her prior to this morning. Again, he is asking that the application be tabled.

Responding to Chairman Sheth's question that the applicant was requesting that no decision be made today, Mr. Ide replied yes, that is correct. His fear is if the application is denied, the applicant would have to wait a year to be heard again.

Mr. Keller stated that last month three (3) options were discussed: withdrawal of the application, make an appearance and proceed with and abide by the results of the Board of Adjustment decision, or request a deferral which was not considered, but is certainly an option. It was discussed that in the event of a denial the applicant would be prevented from reappearing for a period of one year for the same application. A withdrawal would allow the applicant to reapply.

Mr. Ide stated if the correct method at this point for the applicant would be to withdraw the application then they would go with that option. There are many things to consider with the Exceptional Practical Difficulty that the owner faces and they are not sure of City Council's decision regarding the zone changes and his inability to get in contact with the owner in enough time to come up with an actual decision if the application was going to be heard today.

Responding to Chairman Sheth's question whether Mr. Ide was authorized to withdraw the application, Mr. Ide replied he would assume that he is authorized to withdraw the application.

Mr. Keller asked for confirmation of that process, and if in fact there was a withdrawal of the application, there would be nothing that would prevent the applicant from reappearing in a subsequent variance application. Mrs. Townshend replied that is correct.

Colonel Ericson stated that it would make sense that the Board should avoid a conflict between the Board of Adjustment and City Council. The Board of Adjustment should let City Council do their work and the Board will do their work.

Responding to Colonel Ericson's question whether the application should be withdrawn or tabled indefinitely. Mr. Rodriguez replied that withdrawing the application would be fine. A new application would need to be submitted and there would be no penalty of a year.

Mr. Ide stated that if it is unlikely that the application would be tabled for another month then he would respectively request that the application be withdrawn.

Mr. Keller moved to accept the applicant's request to withdraw application V-16-06. The motion was seconded by Colonel Ericson and unanimously carried 4-0. Mr. Senato was absent.

NEW BUSINESS

Applicant #V-16-13

640 South Governors Avenue. William F. Holden, Sr. and Carolie C. Holden on behalf of Holden Leasing LLC has requested a variance from the requirements of Article 5 §4.7 of the *Zoning Ordinance* pertaining to the number of permitted wall signs for property located on an Urban Minor Arterial in order to allow the installation of a wall sign on the south side of the building. Subject property is zoned C-3 (Service Commercial Zone). Tax Parcel: ED-05-077.13-01-40.00-000. The owner of record Holden Leasing LLC.

Exhibits for the Record: Staff Report and plans submitted by the applicant. Legal Notice was published in the Delaware State News – on October 9, 2016. The public was notified in accordance with regulations.

Mr. Cook gave a brief overview of the application.

Representative: Mr. William F. Holden Sr., Holden Dodge

Mr. William F. Holden Sr. was sworn in by Mr. Rodriguez.

Mr. Holden testified that the application was pretty much self-explanatory. The building and business has been located at this address since 1945. In the past it has had more square footage of signage than what exists today. When remodeling was done in 2009-2011 sign area was taken down than what they put back up. The business had no real desire to put the proposed signage back up until the business sought certification as an express lane dealer (faster service for oil changes, tire rotation, etc.) and that is one of the requirements. In order comply with program requirements, they first need the sign. Second, the business needs the sign as a marketing tool to inform the public that express lane service is available at this location. His son photographed the surrounding area in great detail. It is a mixed use area and the business next door is grandfathered legal nonconforming with multiple signs on the front and back. The business feels that the sign will be in good taste same as the existing signs. He would respectfully request approval of the variance.

Responding to Chairman Sheth's question whether the requirement was part of Chrysler franchise, Mr. Holden replied that it was required as part of the service agreement. You do not have to be an express lane dealer, but it is financially beneficial for them to be one. As stated in in the application it could amount to additional revenue of up to $6000 per month just in this one area of their business. Since they are not on the main thoroughfare the business needs every aspect of the business that is available to them. Mr. Holden state it would be behoove them to be an express lane dealer, and in order to be one they are required to have this sign.

Referencing Exhibit B, a photo rendering of the proposed signage, Mr. Keller asked about the small white sign to the left of the express lane sign. Mr. Holden replied that the City treated that sign as a campus sign which directs the customer to a reception and waiting area. Mr. Keller also asked about the sign at the bottom and asked if it was a directional indicator, Mr. Holden replied yes it was a directional indicator and not a marketing sign.

Mr. Cook stated that the sign is permitted and was considered a directional sign previously, although it would not meet exactly meet our directional sign definition today, but it is just to identify that door (service/parts and body shop).

Chairman Sheth opened the public hearing.

Chairman Sheth closed the public hearing after seeing no one wishing to speak.

Chairman Sheth questioned if there was any member present who had a conflict of interest and there was none.

Chairman Sheth questioned if there was any additional correspondence for the record. There was none.

Mr. Hufnal moved to approve application V-16-13 based upon the testimony given today by the applicant and based on the excellent Staff Report. Both signs are in character with the use of the automobile dealership property. It is not out of character with the numerous types of signage found on the surrounding properties. While the number of signs did exceed the permitted amount as stated by Mr. Cook, the sign is less than 5% of the wall area and less than 15% allowed in the Zoning Ordinance. The motion was seconded by Colonel Ericson and was unanimously carried 4-0. Mr. Senato was absent.

Applicant #V-16-14

277-293 N DuPont Highway. Cellco Partnership dba Verizon Wireless has applied to the Board of Adjustment for a variance from the requirements of Article 4 §4.15 of the *Zoning Ordinance* pertaining to maximum permitted building height in order to allow construction of a 125 foot telecommunications monopole and associated facilities. Subject property is zoned SC-2 (Community Shopping Center Zone). Tax Parcel: ED-05-068.14-01-03.01-000. The owner of record is MDR Dover, LP.

Exhibits for the Record: Staff Report and plans submitted by the applicant. Legal Notice was published in the Delaware State News – on October 9, 2016. The public was notified in accordance with regulations.

Mr. Cook gave a brief overview of the application.

Responding to Colonel Ericson's question regarding a memo from 1999 whether it was written by Mr. Rodriguez that stipulates that federal laws supersedes local Zoning Ordinance when it comes to the height of the pole, Mr. Cook replied that no. It was an internal memo that was written by former Planning Director Mr. Anthony DePrima giving guidance on how the city interprets the zoning code in terms of where cell towers are allowed. It states that cell towers are considered buildings under the definition in the Zoning Ordinance, subject to the zoning regulations for zoning district where they are being constructed, and must comply with height requirements of that zone or apply for a variance for height. The memo also gives guidance on the Site Development Plan approval process as to whether it can be done administratively or if it has to go before the Planning Commission, based on the amount of site disturbance. Cell towers within residential districts would be required to be a Conditional Use through the Planning Commission.

Responding to Colonel Ericson's question if he had Mr. Rodriguez letter on file, Mr. Cook questioned whether it was for one of the previous cases, Colonel Ericson replied yes, roughly six years ago and suggested that Mr. Cook obtain a copy for guidance on legal perspectives of what is being faced and what should be considered.

Mr. Rodriguez stated that the Board was okay with the application and with Mr. Cook's overview of the application. He stated that it was a very good presentation by Mr. Cook.

Representative: Mr. Jonathan Jordan, Attorney on behalf of Verizon Wireless.

Mr. Jordan mentioned that Verizon did something that he had never seen before, particularly

since they do not know of any opposition to this project, but Mr. Dugan, the radio frequency consultant working with Verizon Wireless internal radio frequency department, in preparing for this hearing and reports to justify the height of the tower, discovered that they could actually drop the height by approximately 20 feet. Today they are presenting for a tower that is approximately 101 feet tall with a 4-foot lighting rod. They drilled down to the minimum height that they could live with on this site.

Exhibits

1. A letter from the land owner authorizing them to proceed with the application.
2. FCC licenses held by Verizon Wireless.
3. Curriculum detailed by Paul Dugan.
4. Radiofrequency Design of Proposed Communications Facility
5. RF Safety FCC Compliance of Proposed Communications Facility
6. Non-Interference Certification of Proposed Communications Facility
7. FAA Screening Certification of Proposed Communications Facility
8. Proposed Cell Tower

Mr. Paul Dugan was sworn in by Mr. Rodriguez.

Mr. Jordan mentioned that the radio frequency report prepared by Mr. Dugan talks about the site selection process, why it is needed in this particular location at the requested height.

Mr. Dugan stated that the radio frequency design report explains the objectives of the proposed facility, the reason Verizon Wireless needs the facility at this particular location, and the height. The challenges for the radio frequency engineers is to keep up with the on-going demand for service in their service areas. In dense areas, Verizon needs more facilities of lower height in contrast to rural areas where there are fewer towers, but much taller structures in order to serve the subscriber base. The proposed area is a central eastern section of the City of Dover which is east of Silver Lake. It will serve in the dense commercial area of Route 13 and Route 1. It will also provide the residential areas with improved in-building coverage. In order to provide good in-building coverage you will need to have sufficient signals to penetrate walls not only for the homes, but also for commercial buildings.

Questions/Answers

Mr. Jordan – How did you pick this particular spot?

Mr. Dugan – radio frequency engineers use a number of tools to determine where facilities are needed. They look at usages on the existing sites, coverage maps to determine existing service, and optimize existing facilities with antenna upgrades. This particular location was established as a target area in order for a new facility to be introduced to provide better service for subscribers.

Mr. Jordan – Are you looking for a particular zone of coverage and was this site in that particular zone?

Mr. Dugan – That is correct. This location is particularly suited to fulfill Verizon objectives for

improved coverage and capacity relief.

Mr. Jordan – Why did you not locate on the west side of Route 13?

Mr. Dugan – (Referring to the map) all of the existing Verizon sites on the east side of town are between Route 13 and Route 1 for a reason. The only exception is the water tank to the south is on the west side. You have better traffic distribution utilizing the three (3) sectors, improving capacity if you are between these heavily traveled roads. Being on the west side of Route 13 would not have the reach to Route 1 as you have on the east side of Route 13.

Chairman Sheth – Would this have anything to do with the Firefly Festival or Nascar Race?

Mr. Jordan – The activities increase traffic demand.

Mr. Dugan – Verizon Wireless has put cell on wheels (temporarily facilities) just to keep up with some of the demand for some of the events.

Mr. Jordan – Needing to be on the east side of Route 13 is there only one property that covers the target zone?

Mr. Dugan – There is a large commercial property in the target area and he was not sure if that was the only property within the target area, but this is a suitable location.

Mr. Jordan – Regarding the maximum height that could be used without coming before the Board of Adjustment, please explain why 75 feet does not work in this location?

Mr. Dugan – The shorter the height the less the reach and coverage you will get from the site. Not only will it be less coverage, but also less in-building penetration in the proximity. There would also be less traffic relief provided to other facilities. There is a balance between getting the height that just meets objectives, but not too much. If there is too much height it is just as detrimental as not enough height because unnecessary interference is generated. Verizon Wireless was originally seeking a 121-foot monopole with a lightning rod to a total of 125 feet. He worked with the internal radio frequency engineer to establish the minimum. Seventy-Five feet (75 feet) is a bit too short to meet objectives. He was able to convince them that they could compromise the height a little to an approximate one-hundred-foot structure which would be the minimum for service objectives.

Mr. Dugan – briefly discussed the safety evaluation of the proposed facility. The property will comply with FCC exposure limits and guidelines for human exposure to radio frequency and electromagnetic fields. Nowhere in the vicinity of the structure will you approach one percent. There are several hundreds of antennas below that are considered safe levels in the electromagnetic fields.

Mr. Jordan – The testimony states that the site will comply with the FCC standards for electromagnetic safety?

Mr. Dugan – yes, by a significant margin.

Mr. Jordan – Could you discuss the Non-Interference Certification.

Mr. Dugan – The report discusses how the facility coexists in the community with no interference to other wireless service providers and other radio systems in the environment, whether wi-fi, residential, police, fire, EMS or anything that exists in the community. This facility will not generate any harmful interference with those systems. The antennas are elevated away from the other antennas in the environment, which are lower powered and have their own frequencies and would not generate any interference.

Mr. Jordan – Could you discuss the FAA screening.

Mr. Dugan – Whenever Verizon Wireless seeks to build a new structure or modify the height of an existing structure, engineers are asked to perform an FAA screening to determine if it meets the requirements to be filed with the FAA. There are two (2) on-line tools they use to make that determination: (1) Towair which has determined that the structure height does not meet the criteria to require filing with the FAA. The closest facility is Dover Air Force Base and it outlines the proximity of the runways, but it does not penetrate the slope test. (2) FAA Notice Criteria states that the proposed structure height meets the criteria to require filing with the FAA. However, he does not anticipate that it would require any lighting. It certainly will not be a problem at 100-feet based on the proximity and the height of the structure. It meets the criteria to be filed with the FAA, but he does not anticipate any hazard to air navigation. Determination will be issued by the FAA.

Mr. Jordan – Summarizing the testimony he questioned whether the 101-foot tower with a 4-foot lighting rod is the minimum height necessary to provide reliable coverage and service to the territory that is being served by this proposed based station?

Mr. Dugan – replied yes.

Mr. Jordan – Questioned whether the Board had any questions for Mr. Dugan?

Colonel Ericson – Asked if he could explain the red dot on the FAA drawing and if the red dot signified the tower location?

Mr. Dugan - yes, the red dot is where the proposed structure is located. The zones that are shown are not actual runways, they are approach fields.

Colonel Ericson stated that the approach fields are safety zones that should not have high structures.

Mr. Dugan stated that if they are in that zone it does not mean that there is a problem, it just means that it requires filing with the FAA. The FAA wants to know that those structures exist.

Mrs. Townshend stated that they are outside of the Airport Environment Overlay Zone (AEOZ)

and the Accident Potential Zone.

Colonel Ericson- Questioned if the blue lines on the drawings represent the runways at Dover Airforce Base?

Mrs. Townshend – They did not know what is on the exhibits. She questioned geographically where is this?

Mr. Dugan – He believed that the blue lines represent the Dover Air Force Base.

Colonel Ericson – Questioned if this was a zoned area where you cannot put the tower (AICUS)?

Mrs. Townshend – This property is outside of such zone.

Mr. Jordan stated that he received a letter of no objection from Dover Air Force Base when the tower was proposed at 125-feet.

Mr. Hufnal – Regarding the height reduction to 105 feet from 125 feet, would new technology increase future towers, and would they be 105 feet also?

Mr. Dugan- Verizon will never seek additional height at this location. If anything, the antennas height could be reduced in the future. At the current time this is the minimum height that Verizon needs to service the subscriber base.

Mr. Hufnal – The Board approved a greater height in the past to cover the colleges north of Dover and Dover International Speedway for increased traffic (west of Route 13 and north of the speedway).

Mrs. Townshend – Questioned if it was at the toll plaza?

Mr. Hufnal – replied no, it was on College Road.

Mrs. Townshend stated that a tower was also approved by the Board near the toll plaza.

Mr. Jordan stated that in order to put the antennas at 100-feet which is what Mr. Dugan needs, they need 108-foot pole including the lightning rod. (To Mr. Dugan) Was the 100-feet antenna height determined on a site by site basis based on surrounding tree height, building height, and distance to the nearest antenna?

Mr. Dugan – Absolutely, there are countless considerations to determine the height necessary to serve every location because each one is different in terms of demographics, buildings, vegetation, how much traffic, proximity to other facilities that are currently being served, etc. This is a building block to the existing facilities that are currently serving those subscribers.

Mr. Keller – Questioned whether Mr. Dugan was called upon for radio frequency evaluations for other sites that are given consideration before selection, or do you somewhat whittle down a site

before you are called upon to give your radio frequency engineering evaluations.

Mr. Dugan – Before he is called upon to perform his independent evaluation, the site candidates are evaluated by Verizon Wireless internal radio frequency engineer. They determine the suitability and evaluate each location independently to determine if it meets objectives such as the location, height, and whether they have to build new structure or use an existing structure. They prefer not to build a new structure if it is not necessary.

Mr. Jordan stated that besides the radio frequency adequacy of a site there is also the question of would the landlord even rent the property. In the case of this particular shopping center, the location was in the center of the target area. Some other properties nearby, besides not having radio frequency suitability would still have the 75-foot height limitation of the zoning.

Colonel Ericson – If you had another cell phone company such as AT&T and Sprint that would need more coverage could they lease or rent Verizon's tower, do you work together, or would they need to have their own?

Mr. Jordan – Yes, if we did not extend that courtesy to the others then they would not extend it to us. If AT&T wants to come to the Board and build a tower near this tower, the Board may ask did AT&T talk to Verizon about being on their tower. It has always been the case that Verizon shares the tower if possible.

Mr. Keller – Upon completion of the project is there any system of security around those sites?

Mr. Jordan - They have remote sensors and Mr. Nagorny can elaborate on it more.

Mr. W. Jeffrey Nagorny, P.E. was sworn in by Mr. Rodriguez.

Mr. Nagorny testified that the site is pretty good and this is a fence compound. All the major telecom carriers monitor these sites remotely 24/7. They have GPS antennas that are installed within the compound in their operation centers. If there is a power outage, a piece of equipment that is not functionally properly or something breaks down they are going to see it and depending on the severity of that particular incident they can dispatch technicians to the site either the next business day or immediately if it so requires.

Questions/Answers

Mr. Keller – How about intrusions, sabotage, damage to the LP tanks, generators, monopole, etc.

Mr. Nagorny – We have a compound fence and at this point he is not aware of any of the carriers that he works for that actually include a video screen with their monitoring, but that is one of the reasons that we would have the fence around the compound. This would be similar to any other commercial facility that may have a generator or above ground tank. The tanks are certainly built to withstand at least what most folks might bring against them. Someone might come in with high power armor penetrating rifle he does not know if there is much they can do. The technicians visit the sites on average once a month.

Colonel Ericson: When the site review was done was there any other towers by cell phone vendors that would have met your needs if you had put your equipment on their tower.

Mr. Nagorny – He cannot answer that question, but Mr. John Herriott who is the site acquisition manager from our firm who helped with the initial screening can answer the question.

Mr. Nagorny – All the major carriers have master lease agreements among each other. Those legal documents are already in place. As stated by Mr. Jordan it makes business sense if a carrier has room on a tower and can lease the space and generate revenue. Some jurisdictions have provisions written in their telecom ordinance that require commercial cell tower builders and carriers to offer that possibility. The only instance that he is aware of where collocating was not available was a county-owned tower in Pennsylvania. The tower was for emergency services and they did not want as a rule to allow other persons (commercial carriers) to connect. Commercial carriers share towers on a regular basis. The sharing of towers can be seen as you drive. There are very few towers that have only one set of antennas. Usually there are two, three, or five different platforms on the tower.

Mr. Jordan – There was a question about other structures such as a water tower that Verizon Wireless is already on, are there any other tall structures where we can collocate? When Mr. Dugan was speaking about the west side of the highway they had evaluated the Luther Towers building. None of the properties on that side of the road met their criteria for radio frequency sufficiency.

Mr. John R. Herriott was sworn in by Mr. Rodriguez.

Mr. Herriott testified that they considered other locations in the area and the closest structure to the subject property was Luther Towers at 70-feet. The tower was outlined on the exhibit. There is a private water tank south of Luther Towers on Route 13 that is too close to an existing Verizon Wireless water tank site. To the southeast there is a City of Dover water tank that he believes is too far away from the site. The City of Dover has not allowed additional carriers to be on the water tank.

Mr. Jordan – Do you generally see governments who decide not to lease space on water tanks?

Mr. Herriott – yes, it is 50/50. More of the larger utilities do not want the antennas on the tanks anymore because there is too much hassle and additional work and expense when they need paint the tanks and when the carriers need to do maintenance.

Mr. Jordan stated that this concludes the initial presentation and move exhibits 1-9 into the record.

Mr. Keller – Where is the connection for access or construction vehicle access on Z-1 to the site?

Mr. Nagorny – There is actually a paved parking lot with parking spaces on the east side near the edge of the grass. It was probably not shown on the exhibit.

Mr. Keller – Noted that it was not shown and the only thing that was shaded that gave appearance to as to a paved way was an existing water easement.

Chairman Sheth opened the public hearing.

Ms. Ronda Oden was sworn in by Mr. Rodriguez.

Ms. Oden testified that she lives in the neighborhood on Frear Drive and the back of their house faces the back of AC Moore. She can appreciate all the work that has been done by the City of Dover Staff in preparation for the zoning application. She is definitely not against progress and this is not a "in her back yard issue", although the tower is almost in her back yard. She understands that this type of technology is needed. She and her family have concerns regarding transparency when it comes to Verizon. She was also concerned about health and safety of the neighborhood as well as construction and permits. She questioned the safety when the other companies utilize their cell phone towers does it change the radio frequency?

Chairman Sheth informed Ms. Oden that she could express her concerns regarding construction at the Planning Commission meeting.

Mr. Jordan replied that every other carrier that comes in would need as their permitting process to come up with a report like Mr. Dugan and the information he gave previously. Mr. Dugan also testified that Verizon was already a fraction 1/100 of the maximum usage. Usually when you put in antennas close to 100-feet no human being gets close enough to those antennas to be affected. As a matter of fact, carrying a cell phone in your pocket has more exposure than living near a cell tower.

Mr. Dugan agreed with Mr. Jordan and also mentioned that when you are substantially below 1% of what is established as a safety standard adding additional carriers that are elevated above the ground even if they are mounted between 60-100 feet will introduce low level signals, but will have no detrimental impact to the neighborhood or persons that exist in proximity to the antennas.

Colonel Ericson mentioned that Ms. Oden seemed to be concerned about transparency. Could she be provided a copy of the study that was given to the Board so that she can better understand all of the work that has been put into the report and how you came to the conclusion.

Mr. Dugan replied certainly he could provide Ms. Oden with a copy.

Ms. Oden also questioned the cell phone towers being on the east side of the site and the vegetation.

Chairman Sheth replied that the question was previously answer that the best place was selected and it will be approved if it meets city requirements and all procedures were followed.

Mr. Cook stated that when the process goes through the Planning Commission there is a

landscaping requirement, but since the project has not been submitted for that process yet, that would be addressed at the time of the Planning Commission application.

Colonel Ericson suggested and asked Mr. Dugan that if many people are worried about transparency if he could talk and answer questions with Ms. Oden after the meeting.

Chairman Sheth closed the public hearing after seeing no one else wishing to speak.

Chairman Sheth questioned if there was any additional correspondence for the record. There was none.

Mr. Cook stated that he and Ms. Oden had a conversation on Monday, October 17, 2016. She had similar questions that she proposed today at the hearing. In the conversation they discussed the process and today's meeting and what the discussion would involve.

Chairman Sheth stated that he received a letter but that was not a conflict with the Board of Adjustment.

Responding to Mr. Keller's request for clarification that the maximum height was 108 feet including the lightning rod opposed to the 125 feet that was on the application, Mr. Nagorny replied yes, the radiation center for the antennas that Verizon wanted was 100 feet. That is basically the actual middle of the antenna. With the lightning rod it would be 108 feet and without the lightning rod it would be 104-feet. Therefore, a 104-foot tower with a 4-foot lightning rod for a total of 108 feet.

Chairman Sheth questioned if there was any member present who had a conflict of interest and there was none.

Colonel Ericson moved to approve the area variance application V-16-14 noting that the requested height has been reduced by Verizon Wireless from 125-feet to 108-feet and based upon the testimony given and the documents provided. The motion was seconded by Mr. Keller and unanimously carried 4-0. Mr. Senato was absent.

Colonel Ericson moved to adjourn the meeting, seconded by Mr. Hufnal and unanimously carried 4-0. Mr. Senato was absent.

Meeting adjourned at 10:26 A.M.

Sincerely,

Maretta Savage-Purnell
Secretary

City of Dover
Board of Adjustment

November 16, 2016
V-16-15

Location: Property at 823 East Loockerman Street, Dover, Delaware
ED-05-077.06-02-55.00-000

Current Property Owner: Brenda Redlich

Present Zoning: R-8 (One Family Residence Zone)

Application Date: Appeal Received October 3, 2016
Request for November 16, 2016 Meeting

Appeal Filed By: Georgia Heininger-Trader

Appeal Requested: Appeal of the decision of the City Planner regarding the issuance of Building Permit #15-1192 on October 14, 2015 and the issuance of the Certificate of Occupancy on December 2, 2015 associated with the permitting and placement of a manufactured home as a one-family detached dwelling unit on the property at 823 East Loockerman Street.

Request for Appeal

Georgia Heininger-Trader has filed an Appeal of a decision by the City Planner regarding the issuance of Building Permit #15-1192 on October 14, 2015 and the issuance of the Certificate of Occupancy on December 2, 2015 associated with the permitting and placement of a manufactured home as a one-family detached dwelling unit on the property at 823 East Loockerman Street.

Property Description

The property is located on the north side of East Loockerman Street. The property was a vacant tract of land for a number of years until the request for development of the lot for residential use through the Building Permit process. The property at 823 East Loockerman Street and its surrounding neighboring properties are zoned R-8 (One Family Residence Zone); the R-8 zoning for the area dates to the 1960s. From aerial photographs (dating 1937-2012) residential development of this neighborhood begins in the 1950s. The property was part of an area annexed into the City Dover in August 1962 consisting of 1,170.25 acres of land which included the neighborhood areas of Morris Estates, Edgehill, Edgehill Acres, Capital Green, and Eastover Hills.

Code Citations

Procedures

The Board of Adjustment procedures for Appeals are outlined in the *Zoning Ordinance* and within *Delaware Code.* See the following code citations.

Dover Code of Ordinances, Appendix B: Zoning, Article 9. Board of Adjustment:
Section 2. Powers and duties:

> The board of adjustment shall have the powers and duties as specified in Delaware Code Annotated (22 Del. C. § 301 et seq.) and as articulated below:
>
> 2.2 *Appeal of administrative order, requirement, decision, or determination*. The board shall have the authority to hear and decide appeals where it is alleged there is any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance. Appeals to the board may be made by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of an administrative officer.

Zoning Ordinance, Article 9 §3 further outlines the procedures for both variances and appeals. Appeals are subject to a Public Hearing before the Board of Adjustment which must be noticed by publication in the newspaper and by mailed notice to property owners within 200 feet of the subject property.

The Appeal must be filed in writing on prescribed forms and is subject to a filing fee. It is noted that this fee may be returned to the applicant (*Zoning Ordinance*, Article 9 §3.4) under certain provisions:

> Article 9 §3.4 The board of adjustment may, in its discretion, return to the applicant part or all of the fee paid by him in the event that his appeal under section 2.2 Appeal of administrative order, requirement, decision, or determination hereof is partially or wholly successful.

The Appeal (written application and submission items) as filed shall consist of the following per the *Zoning Ordinance*, Article 9 §3.5:

> Article 9 §3.5 Each variance application or appeal shall fully set forth the circumstances of the case. Every variance application or appeal shall refer to the specific provision of the ordinance involved, and shall exactly set forth, as the case may be, the interpretation that is claimed, the details of the variance that is applied for and the grounds on which it is claimed that the same should be granted.

- **A copy of the Appeal as filed by the Appellant (Georgia Heininger-Trader) is attached as Exhibits 1A, 1B and 1C.**
    - **Exhibit 1A – Application to Board of Adjustment for Appeal**
    - **Exhibit 1B – Letter on behalf of the Appellant (Georgia Heininger-Trader) dated October 3, 2016 from Eric M. Andersen with Attachment (Exhibit 1C)**
    - **Exhibit IC – Court of Chancery of the State of Delaware C.A. No. 11741-VCN, Georgia Heininger-Trader vs. Betty J. Henry, Robert D. Henry, Brenda Redlich, City of Dover and CMH Homes, Inc.: Second Amended Class Action Compliance Document with attached Exhibits A-G**

The provisions of *Delaware Code* (22 Del. C. § 301) also note a procedure for Appeals:

22 Del. C. §324 Appeals to board.

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

- **Copies of materials from the actions of the City Planner (and her designees) to issue the Building Permit and Certificate of Occupancy are attached as Exhibits 2A through 2-C.**
    - **Exhibit 2A – Building Permit Application #15-1192 with application submission attachments**
    - **Exhibit 2B – Building Permit #15-1192 issued on October 14, 2015**
    - **Exhibit 2C – Certificate of Occupancy issued on December 2, 2015 with attachments**

Action by the Board of Adjustment

It is the responsibility of the Board of Adjustment to hear and decide the Appeal where it has been alleged that the determination of the administrative official was in error. This Appeal is of a decision by the City Planner regarding the issuance of Building Permit #15-1192 on October 14, 2015 and the issuance of the Certificate of Occupancy on December 2, 2015 associated with the permitting and placement of a manufactured home as a one-family detached dwelling unit on the property at 823 East Loockerman Street, Dover, Delaware.

It is related to the interpretation of the *Zoning Ordinance* pertaining to the definitions of the allowed uses in the R-8 (One Family Residence Zone) zoning district as outlined in Article 3 §1 and as defined in Article 12 - Definitions.

Background Information

Code Citations:

R-8 (One Family Residence Zone) Zoning District

The description of the R-8 (One Family Residence Zone) and the uses permitted within the zone are given in the *Zoning Ordinance*, Article 3 Section 1 as well as the procedures for establishment of uses on the property.

- **Exhibit 3A – *Zoning Ordinance* excerpt for R-8 zone. (Text in place at the time of Building Permit Application filing in September 2015.)**

Definitions
Specific terms are defined in the *Zoning Ordinance*, Article 12 – Definitions. *(It is noted that Zoning Ordinance, Article 12 Definitions was amended with the adoption of Ordinance #2015-20 on January 11, 2016 and with the adoption of Ordinance #2016-16 on August 8, 2016.)*

- **Exhibit 3B – *Zoning Ordinance* excerpt of Definitions. (Text in place at the time of Building Permit Application filing in September 2015.)**
  - **Dwelling, detached**
  - **Dwelling, one family**
  - **Dwelling unit**
  - **Trailer, house**

Site Development Plan, Building Permit and Certificate of Occupancy Procedures
The procedures for Site Development Plans and for issuance of a Building Permit and a Certificate of Occupancy as related to the aspects of the *Zoning Ordinance* compliance are given in the *Zoning Ordinance*, Article 10 Section 2 and *Zoning Ordinance*, Article 8 Section 1 and Section 2.

- **Exhibit 3C – *Zoning Ordinance* excerpt for Site Development Plan, Building Permit and Certificate of Occupancy Procedures.**
  - **Article 10 Section 2 – Site Development Plan Approval, Sections 2.1, 2.2, and 2.3**
  - **Article 8 Section 1 – Building Permits, Section 2 – Certificates of Occupancy, and Section 3 – Duties of the City Planner**

Property Information:
Property at 823 East Loockerman Street, Dover:

- **Exhibit 4A – Zoning Map Exhibit**
  Tax Parcel Map Number: ED-05-077.-06-02-55.00-000

  Property Ownership: Current property owner listed as Brenda Redlich. Previous property ownership listed as Robert D. and Betty J. Henry.

- Building Related Permits:
  Plumbing Permit #15-940 Plumbing (Water Connection/Sewer Connection)
  Building Permit #15-1192 for Dwelling
  Plumbing Permit #15-1615 Plumbing (Gas Service Connection)
  Fence Permit #15-1960

GUIDE TO ATTACHMENTS

Exhibit	Description/Author	# Pages
1A	**Application to Board of Adjustment for Appeal** (Applicant Submission)	2
1B	**Letter on behalf of the Appellant (Georgia Heininger-Trader) dated October 3, 2016 from Eric M. Andersen with Attachment (Exhibit 1C)** (Applicant Submission)	2
1C	**Court of Chancery of the State of Delaware C.A. No. 11741-VCN, Georgia Heininger-Trader vs. Betty J. Henry, Robert D. Henry, Brenda Redlich, City of Dover and CMH Homes, Inc.: Second Amended Class Action Compliance Document with attached Exhibits A-G** (Applicant Submission)	86
2A	**Building Permit Application #15-1192 with application submission attachments** (Department of Planning & Inspections file)	29
2B	**Building Permit #15-1192 issued on October 14, 2015** (Department of Planning & Inspections file)	10
2C	**Certificate of Occupancy issued on December 2, 2015 with attachments** (Department of Planning & Inspections file)	10
3A	***Zoning Ordinance* excerpt for R-8 zone.** (Text in place at the time of Building Permit Application filing in September 2015.)	3
3B	***Zoning Ordinance* excerpt of Definitions.** (Text in place at the time of Building Permit Application filing in September 2015.) o **Dwelling, detached** o **Dwelling, one family** o **Dwelling unit** o **Trailer, house**	1
3C	***Zoning Ordinance* excerpt for Site Development Plan, Building Permit and Certificate of Occupancy Procedures.** o **Article 10 Section 2 – Site Development Plan Approval, Sections 2.1, 2.2, and 2.3** o **Article 8 Section 1 – Building Permits, Section 2 – Certificates of Occupancy, and Section 3 – Duties of the City Planner**	5
4A	**Zoning Map Exhibit** (Staff)	1

City of Dover, DE
Department of Planning and Inspections
P.O. Box 475, Dover, Delaware 19903
(302) 736-7010 Fax: (302) 736-4217
www.cityofdover.com

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PLANNING & INSPECTIONS

EXHIBIT 1A

____ Area Variance
____ Use Variance
____ Appeal
10/3/2016 Pre-App Date

Board of Adjustment Application

FILED IN FORTIS

Application Information

Property Address: 823 E. Lockerman Street, Dover, DE 19901
Tax Parcel Number: 2-05-076-02-5500-00001
Owner Name: Brenda Redlich
Property Zoning: R8 vs. MHP
Variance (s) Requested: filing Appeal

*Provide eight (8) copies of any survey, drawings, photos, site plan, etc. that may help support your application, and your response to the criteria. The criteria for a use variance and appeal are on the back of the form.

Area Variance

An area variance shall be evaluated on the following criteria: **Please state how your request meets each of these four (4) criteria.**

1. The nature of the zone in which the property lies;
2. The character of the immediate vicinity and the contained uses therein;
3. Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses; and
4. Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is permitted uses under the provisions of the zoning ordinance.

16-700014

Signature

I Georgia G. Heininger-Trader do affirm that I am the ~~property owner~~ Plaintiff on which the variance is sought and that all the information provided in this application is accurate to the best of my knowledge and belief.

Georgia G. Heininger-Trader Resident of Edgehill Acres 10-3-16
Signature Title Date

City of Dover DE
Department of Planning and Inspections
P.O. Box 475, Dover, Delaware 19903
(302) 736-7010 Fax: (302) 736-4217
www.cityofdover.com

Board of Adjustment Application- cont.

Use Variance
A use variance shall be evaluated on the following criteria. **Please state how your request meets each of these criteria.**

1. That there are physical conditions applying to the land or building for which the variance is sought, which conditions are peculiar to such land or buildings, and have not resulted from any act of the applicant or any predecessor in title; and

2. That the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of all reasonable use of such land or building and the granting of the variance is necessary of the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish this purpose;

3. That granting of the variance under such conditions as the board may deem necessary or desirable to apply thereto will be in harmony with the general purpose and intent of this ordinance, will not represent a radical departure therefrom, will not be injurious to the neighborhood, will not change the character thereof and will not be otherwise detrimental to the public welfare.

→ **Appeal**
Please state the administrative order, requirement, decision, or determination that you are appealing. (Provide a copy of the original decision that is being appealed)

EXHIBIT 1B

3513 Concord Pike
Suite 3300
Wilmington, DE 19803

ANDERSEN SLEATER

1345 Avenue of the
Americas
2nd Floor, Suite 2100
New York, NY 10105

Eric M. Andersen
eric@andersensleater.com
(302) 595-9102

October 3, 2016

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CITY OF DOVER
PLANNING & INSPECTIONS

Traci A. McDowell, CMC
Ann Marie Townshend, AICP
15 Loockerman Plaza
Dover, DE 19901

K.C. Sheth, Chairman
Board of Adjustment
15 Loockerman Plaza
Dover, DE 19901

RE: 823 Loockerman Street (the "Lot")
Map No. 2-05-0776-02-5500-00001

Ladies and Gentleman:

On behalf of Georgia Heininger-Trader, pursuant to 22 *Del. C.* § 301, *et. seq., §§ 321-323,* and Art. 8, § 3.2 and Art. 9, § 2.2 of the Code of Ordinances of the City of Dover, she hereby appeals to the Board of Adjustment (a) the grant of the Building Permit (No. 15-1192) for the Lot which was issued on October 14, 2015; and (2) the certificate of occupancy issued on December 2, 2015 to occupy the mobile home.

Pursuant to Art. 9, § 3.5, she hereby incorporates by reference (as if fully set forth herein) the Second Amended Complaint that was filed with the Delaware Court of Chancery which sets forth in detail the "circumstances of the case" and the "specific provision of the ordinance involved." By operation of this appeal, the Court will stay the lawsuit until the Board of Adjustment (a) renders its decision on the facts and circumstances alleged in the Second Amended Complaint; or (b) fails to make a timely decision pursuance to its own rules of procedure.

Before setting the date of the hearing and giving the public notice, please contact my office to confirm my availability.

Enclosed please find the $300.00 filing fee.

Very truly yours,



Eric M. Andersen

Enclosure

Exhibit 1C

EFiled: Feb 19 2016 12:19PM EST
Transaction ID 58598856
Case No. 11741-VCN

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

GEORGIA HEININGER-TRADER, Individually and on Behalf of All Others Similarly Situated, Plaintiff, v. BETTY J. HENRY, ROBERT D. HENRY, BRENDA REDLICH, CITY OF DOVER and CMH HOMES, INC. Defendants.	C.A. No. 11741-VCN

SECOND AMENDED CLASS ACTION COMPLAINT

Plaintiff Georgia Heininger-Trader ("Plaintiff"), individually and on behalf of the Class (defined herein) of Edgehill Acres Residents (the "Residents"), by and through her undersigned attorneys, brings this Class Action Complaint against Betty J. Henry and Robert D. Henry (the "Henrys"), Brenda Redlich ("Redlich") the City of Dover (the "City") and CMH Homes, Inc. ("Clayton Homes"), for violation of the City of Dover's Code of Ordinances (the "Code") Zone R8, one-family residence, in permitting the placement and construction of the mobile home (the "Mobile Home") on the lot located at 823 E. Loockerman Street, Dover, Delaware in Edgehill Acres (the "Lot"), an area not zoned for its placement. Plaintiff brings a claim of private nuisance against the individual defendants and Clayton Homes. Plaintiffs bring a different claim against the City of Dover

Planning and Inspections Department for granting a "back-door" use variance to the individual defendants without following the mandated procedures for the Board of Adjustment to provide public notice of the proposed use variance, comment and a hearing. The Code only allows the Board of Adjustment after an evidentiary hearing to grant a use variance allowing a mobile home to placed in a zone set aside for single-family residential homes. Plaintiff seeks injunctive relief that the City of Dover follows its own procedures by giving notice to the community of the requested use variance by the individual defendants, provide for a comment period and hold a public hearing before the Board of Adjustment.

The allegations below are made upon personal knowledge as to matters pertaining to Plaintiff, and upon information and belief as to all other matters. The allegations are based upon an investigation conducted by counsel, which included, among other things review of the documents filed with the City of Dover document production from the Defendants and depositions of the Defendants.

NATURE OF THE ACTION

1. This is a class action brought by Plaintiff, individually, and on behalf of the Residents to redress harm to their property value and change in zoning in Edgehill Acres caused by Defendants.

2. According to the Code, the City of Dover has zoned Edgehill Acres as R8, one-family residence, which prohibits mobile homes to be placed on its

properties. Instead, the Code states that mobile homes must be located in a mobile home park, even when permanently placed.

3. Since the development of Edgehill Acres in the 1950s, the Lot has remained vacant and no mobile homes have ever been placed in the area.

4. In September 2015, the Henrys acquired a manufactured home permit for the Mobile Home and applied to the City of Dover for a building permit to place the Mobile Home on the Lot in Edgehill Acres.

5. The City of Dover, on or about October 14, 2015, mistakenly approved the permit for the Mobile Home on the Lot by falsely stating "that is a permitted use in the R-8 zoning district."

6. On or about October 26, 2015, the Clayton Homes moved the Mobile Home onto the Lot in violation of the Code for Zone R8.

7. Plaintiff is seeking the Court to remove the Mobile Home from the Lot which is zoned only for single family homes (Zone R8). The basis for the injunctive relief is (a) the individual defendants and Clayton Homes created a private nuisance for violation of the Code; and (b) the City of Dover for acting arbitrarily and capriciously for granting a use variances without going through the proper procedures of notice to the community and a hearing before the Board of Adjustment.

8. As a result of Defendants' actions, Residents have been damaged because their property value will be diminished by the placement of the Mobile Home and their property has been effectively rezoned.

THE PARTIES

9. Plaintiff owns her home located at 720 E. Loockerman Street, Dover, Delaware 19901 and is a resident of Edgehill Acres, the subdivision in which the Lot is located.

10. Betty J. Henry and Robert D. Henry (the "Henrys") were the owners of the Lot before they gave it to their daughter Redlich as a gift.

11. Brenda Redlich is the property owner of the Lot as recorded with the Kent County Recorder of Deeds.

12. Defendant City of Dover is an incorporated municipality of the State of Delaware. The City improperly approved the building permit of the Henrys for the construction and placement of the Mobile Home on the Lot.

13. Defendant Clayton Homes is a Tennessee corporation registered to do business in Delaware with a store in Dover, Delaware known as "Clayton Homes of Dover" located at 4679 N. Dupont Hwy., Dover, DE 19901. With knowledge of this Action, Clayton Homes failed to disclose to the lender that this Action was pending before the lender paid Clayton Homes for the Mobile Home.

CLASS ACTION ALLEGATIONS

14. Plaintiff brings this action as a class action, pursuant to Rule 23 of the Rules of the Court of Chancery, on behalf of all residents of Edgehill Acres (except the Defendants herein and any person, firm, trust, corporation, or other entity related to or affiliated with any of the Defendants) and their successors in interest, who are or will be threatened with injury arising from Defendants' actions as more fully described herein (the "Class").

15. This action is properly maintainable as a class action.

16. The Class is so numerous that joinder of all members is impracticable. There are 105 properties in Edgehill Acres effected.

17. There are questions of law and fact, which are common to the Class including, inter alia, the following:

(a) Whether the the individual defendants and/or Clayton Homes created a private nuisance by placing the Mobile Home in Edgehill Acres;

(b) Whether the City of Dover acted arbitrarily and capriciously in approving the building permit that allowed the Mobile Home to be placed on the Lot; and

(c) Whether the Class is entitled to declaratory or injunctive relief as a result of the wrongful conduct committed by Defendants, as alleged herein.

18. Plaintiff is a member of the Class and committed to prosecuting this action and has retained competent counsel experienced in litigation of this nature

to do so. The claims of the Plaintiff are typical of the claims of other members of the Class, and Plaintiff has the same interests as the other members of the Class, which are not antagonistic to or in conflict with those of the Class. Plaintiff will fairly and adequately represent the Class.

19. Defendants have acted in a manner which affects Plaintiff and all members of the Class alike, thereby making appropriate injunctive relief and/or corresponding declaratory relief with respect to the Class as a whole.

20. The prosecution of separate actions by individual members of the Class would create a risk of inconsistent or varying adjudications with respect to individual members of the Class, which would establish incompatible standards of conduct for Defendants, or adjudications with respect to individual members of the Class which would, as a practical matter, be dispositive of the interests of other members or substantially impair or impede their ability to protect their interests.

FACTUAL BACKGROUND

History of Edgehill Acres

21. Edgehill Acres was developed as a residential community in the 1950s.

22. From the time of its initial development, nothing was constructed on the Lot, and it remained that way for the next almost sixty years.

23. Mobile homes have never been placed on properties in Edgehill Acres.

Relevant Provisions of the Code

24. The City of Dover enacted the Code of Ordinances[1] that governs, defines and designates zones of land for use located in the City of Dover.

25. The City of Dover has designated Edgehill Acres, including the Lot, as zone R8. *See* Exhibit A, property information for 823 Loockerman St., Dover, DE 19901.

26. Under Appendix B of the Code, Article 2, Section 1, designates "R8," as a one-family residence zone. Separately, under this section, "MHP" denotes mobile home park zone.

27. Under Article 3, Section 1.1, one-family residence zones, including R8, prohibit buildings or part of buildings to be erected or altered for any use except those specified, which do not include placement of mobile homes.

28. Article 12 further defines a dwelling unit as "[a] building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrance or other hallways or porches) or

[1] References to provisions are to those in the Code unless otherwise stated.

cooking or sanitary facilities in common with any other dwelling unit. A boarding[house] or roominghouse, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging, nursing, or other similar home, ***house trailer, or other similar structures or vehicles shall not be deemed to constitute a dwelling unit.***" (Emphasis added).

29. Article 12 also defines a mobile home as "[a] ***single-family dwelling designed for transportation, after fabrication, on streets, and highways on its own wheels or on flatbed or other trailers, and arriving at a site in a mobile home park where it is to be occupied as a dwelling***, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connections to utilities, and the like . . . . Single-wide mobile homes are those units built as a complete home measuring up to 14 feet in width and finished on all exterior sides prior to transportation to a site for installation. Double-wide mobile homes are those units built in two halves intended to be assembled together on the site at the time of installation, each half measuring up to 14 feet in width and each finished on three exterior sides." (Emphasis added).

30. The United States Department of Housing and Urban Development ("HUD") has eliminated the use of the phrase "mobile home" and distinguishes between "manufactured homes" and "modular homes." A "modular home" is

constructed pursuant to the same state, local and regional building codes as site-built homes None of the parties contend that the Mobile Home is a "modular home." A "manufactured home" was formally known as a "mobile home" and is constructed according to the Manufactured Homes Construction and Safety Standards ("HUD Code") and displays a red certification label on the exterior of each transportable section. The Mobile Home is a "manufactured home" under HUD regulations. The Mobile Home is affixed with HUD Labels HWC442213 and HWC442214. The City of Dover claims that they go beyond the federal regulations and further distinguish between "manufactured homes" that are mobile or set on permanent foundation. Their position is that if the "manufactured home" is placed on a permanent foundation, it may be placed in an R8 Zone. As shown below, this distinction is a legal argument created purely for this Action. In fact, their own internal documents show the subjective knowledge that this distinction is contrary to their own Code.

31. Chapter 66, section 66-1 also states that the lot of the mobile home "must be located within a mobile home park." Section 66-3 also states that a permanently placed mobile home "shall be considered a mobile home as defined in section 66-1 for purposes of zoning and shall only be permitted to be located in the mobile home park zone (MHP), as spelled out in appendix B to this Code (article 3, section 8)." In fact, the City of Dover had actual knowledge that they violated

the R8 Zone but plowed forward based on the improper premise that the individual defendants "rights have vested." See Exhibit D.

32. The Code indicates that on zone R8 properties, including Edgehill Acres and the Lot, mobile homes are prohibited and are to be instead placed in a mobile home park in a MHP zone.

Defendants Violate the Code and the Mobile Home is Placed on the Lot

33. On March 31, 2014, on behalf of Redlich, real estate agent Andy Whitescarver requested a "zoning certification." Even though the Department of Planning and Inspection (the "Department") does not have the authority to issue "zoning certifications," the next day, the Department issued a letter incorrectly stating that a mobile home with a permanent foundation can be placed in an R8 Zone. See Exhibit E. After this Action was filed, in December 2015, the city council enacted an ordinance allowing the Department to issue "zoning certifications."

34. On August 24, 2015, the Henrys transferred the Lot to their daughter Redlich for no consideration (i.e. a gift).

35. Erroneously, on or about September 3, 2015, Clayton Homes applied on behalf of the Henrys to the City of Dover for a manufactured home permit and a building permit to place a Mobile Home on the Lot despite the property's location in zone R8. *See* attached Exhibit B (manufactured home permit and building

permit application). The Henrys had no interest in the Lot and had no standing to apply for a permit.

36. Heather Estepp of Clayton Homes signed a Certification in Lieu of Oath in the Building Permit Application stating: I hereby certify that I am the owner of record or a contractor authorized by the owner of record to make this application, and that all work will be performed in accordance with the applicable Codes and Ordinance. Heather Estepp was not authorized by the Henrys to file the Building Permit Application. The Henrys were not the owners of the Lot on September 3, 2015.

37. Under the false impression that the Henrys had title to the Lot, on or about October 14, 2015, the City of Dover approved the Henrys' application for a building permit and allowed Clayton Homes to place the Mobile Home, double wide trailer, on the Lot. *See id.*

38. The City of Dover in its Planning and Inspections information acknowledged that the property zoning was "one family residence." *See* attached Exhibit B (City of Dover Planning & Inspections Internal Notes). Also in the Planning and Inspections "Special Notes and Comments," it states that the "[p]ermit is for the construction of a ***manufactured mobile home*** to be placed on a block foundation that ***is a permitted use in the R-8 zoning district.***" *Id.* at 10 (Emphasis added).

39. On or about October 26, 2015, Clayton Homes hired a third-party to place the Mobile Home on the Lot. *See* attached Exhibit C (photographs of the Mobile Home).

40. Like any motor vehicle, the Mobile Home is identified with VIN No. OHC024946NCAB.

41. On or about October 27, 2015, councilman William Hare ("Hare") admitted to Thomas Trader that the City of Dover made a mistake by granting a permit to allow the individual defendants to place the Mobile Home on the Lot.

42. On or about November 1, 2015, councilmen James L. Hutchison, Sr. ("Hutchison") and Brian E. Lewis ("Lewis") admitted to plaintiff that the City of Dover made a mistake by granting a permit to allow the individual defendants to place the Mobile Home on the Lot. Hare, Hutchison and Lewis promised plaintiff that the City of Dover would hold a closed meeting to determine whether the permit was properly authorized. Hare, Hutchison and Lewis pleaded with plaintiff not to sue the City of Dover until a public hearing was noticed and held.

43. On November 2, 2015, Thomas Trader ("Trader") attempted to file an appeal of the issuance of the construction permit with City Clerk Tracy McDowell ("McDowell"). McDowell stated that Trader did not have standing to appeal a decision to grant a construction permit. In addition, McDowell admitted the City of Dover made a mistake by granting a permit to allow the individual defendants to

place a mobile home on the Lot. McDowell stated that Trader's only course of relief was making a complaint directly to members of the City Council.

44. On November 2, 2015, councilmen Hare and Hutchinson separately called plaintiff back stating that they consulted with in-house counsel and they would not hold a closed meeting on the issuance of the construction permit.

45. After the placement of the Mobile Home on the Lot, Plaintiff and the Residents suffered and will continue to suffer damages to their property values in Edgehill Acres and the effective changing in zoning from R8.

46. Twenty-one (21) days later, Plaintiffs filed the original complaint.

Action Taken After Original Complaint Was Filed

47. During the first week of December, Redlich shared the original complaint with Clayton Homes. They met and conferred whether to proceed to closing on the purchase of the Mobile Home. On December 1, 2015, Redlich advised Clayton Homes: "Upon receipt and perusal of the attached document, I feel comfortable with the decision to move forward and close on this homes as soon as possible." Although the "attached document" was responsive to the subpoena *duces tecum* issued to Clayton Homes, Clayton Homes has not produced the attachment.

48. Erroneously, on December 2, 2015, the City of Dover issued a Mobile Home Retirement Letter and a Certificate of Occupancy ("CO") to Redlich even

though Redlich never applied for a permit to place a mobile home on the Lot nor did Redlich submit a CO application. In fact, before a CO can be issued, Clayton Homes was required to swear under oath that the CO application is true and correct. See Exhibit F. The City of Dover issued the CO without the required affirmation from Clayton Homes. In fact, the CO application was false. As of October 16, 2015, the Henrys were not owners of the Lot nor the Mobile Home. In addition, the Mobile Home was connected to an illegal temporary propane tank (i.e. the City of Dover did not issue a permit to connect the propane tank) when the CO was issued.

49. Clayton Homes contacted the lender Tidewater Mortgage Services ("Tidewater") to determine whether Tidewater could fund the purchase of the Mobile Home. Because the Tidewater was not ready to fund, the closing could not proceed. Although Clayton Homes had actual knowledge of this Action, it decided not to disclose this Action to Tidewater.

50. On December 7, 2015, the Court was asked to consider a motion for a temporary restraining order ("TRO Motion") to prevent Redlich from closing on the sale. Redlich represented to the Court that she had already purchased the home and moved in and therefore the TRO Motion was moot. Redlich did not own the Mobile Home on December 7, 2015. She only had possession of the keys to the

Mobile Home. Redlich further elaborated on this representation to the Court claiming on January 19, 2016:

> MR. MALMBERG: Well, I will jump in on that. One fact I think that will weigh in on the balancing of the equities, I think Mr. Andersen just alleged that my client didn't own the property on December 7th. That's a fact that could be determined through summary judgment because there's a recorded deed of record in the Recorder of Deeds office indicating that they settled on this property on November 26th, as I recall, Your Honor.
>
> They moved in the property on – the deed is for August 24th or 26th. I don't have the file in front of me, Your Honor. It was recorded on December 17th. So to the extent that's claimed to be a disputed fact that would balance the equities of whether or not a preliminary injunction should issue, I don't think it's one that's going to hold up and be talismanic.
>
> MR. ANDERSEN: Your Honor, may I respond to that? Are you interested in entertaining that?
>
> THE COURT: Yes.
>
> MR. ANDERSEN: The lot was purchased on August 24th, 2015. We had our first hearing, and I asked for a TRO on December 7th, 2015. The mobile home was not purchased until December 18th, 2015. At the hearing, I heard people say that "the mobile home has been purchased, it's too late, there's no sense in entering the TRO." It turns out that's not correct. Your Honor could have entered the TRO following the balancing of the equities because they were not in the mobile home because they did not own the mobile home, and that's why the balance of the equities shifts to the plaintiffs.
>
> MR. MALMBERG: If I could just respond. We're splitting hairs, Your Honor. We look at that as there was a refinance to pay off the construction of the mobile home. Whether or not there was a vending of title at that time or not, that's something I don't know off the top of

my head. But, again, I'm not sure that's a pertinent fact. I guess that's certainly disputed right now.

(Tr. 18 to 20).

51. It is not disputed. Redlich testified unequivocally six (6) days prior that she was not the owner of the Mobile Home on December 7, 2016. (Tr. 39). Redlich did not produce any closing documents dated November 26, 2015 nor did she produce documents regarding a refinancing. She further testified she was under the impression she became the owner on December 18, 2015 (Tr. 40) although she did not have any documentation to prove it. (Tr. 40-41).

52. On December 8, 2016, after the CO was issued, the illegal propane tank was removed and was connected to the permanent gas line. The City of Dover issued the permit for the permanent gas line connection after the CO was issued.

53. In fact, the Mayor of the City asked the Director of Planning & Community Development (the "Director") why she issued the CO with the Action pending. She replied back: "The TRO conference was not held until this past Monday. Until something happens in court, we are obligated to proceed as we otherwise would." See Exhibit G redacted by the City (the City promised during the deposition of the Director that it would produce a privilege log supporting the redactions (Tr. 58) but the City never did and therefore any claim to redaction has

been waived). During the Director's deposition, it was determined she had the discretion to withhold the CO and there was no requirement to issue in the CO on December 2, 2015. In fact, the Director did not have the authority to issue the CO to Redlich until (1) Redlich applied for a permit to put a Mobile Home on the Lot; (2) the illegal propane tank was removed from the Mobile Home; and (3) Clayton Homes affirmed under oath the truth and accuracy of the CO application.

54. On December 14, 2015, the City filed a brief claiming that there was a process for Plaintiff within the City to appeal the issuance of the construction permit to the Henrys and so therefore this Action is premature. The appeal process set forth in the December 14, 2015 brief filed by the City does not exist. During the deposition of the City Rule 30(b)(6) representative, the City Clerk admitted to its counsel that it was "unaware of whether somebody who was not the owner could file an appeal" and that the City Clerk "indicated she was surprised that that was allowed. Based on her account, she did not say it was mistake. She said she was surprised that it was allowed." (Tr. 12-13). In its response to Document Request No. 1, the City admitted: ". . . the City is unaware of any post-January 1, 2014 appeals pursuant to Section 3.2 of Article 8, Appendix B of the City of Dover Municipal Code in which the person filing the appeal was not the applicant of the building permit."

55. On December 18, 2015, Tidewater funded the purchase of the Mobile Home because neither Clayton Homes nor Redlich disclosed this Action to Tidewater until after the closing. Redlich did not give a copy of the original complaint in this Action to her settlement attorney. At closing on December 18, 2015, Redlich signed the Uniform Loan Application affirming that she was not a party to any lawsuit. The affirmation was acknowledged as follows: . . . "the information provided in this application is true and correct as of the date set forth opposite my signature and that any intentional or negligent misrepresentation of this information contained in this application may result in civil liability, including monetary damages, to any person who may suffer any loss due to reliance upon any misrepresentation that I have made on this application, and/or in criminal penalties including but not limited to, fine or imprisonment or both under provision of Title 18, U.S.C. § 1001, *et. seq.* . . . "

56. After repeated requests from Clayton Homes and Redlich, as of today no one has produced any proof that title to the Mobile Home has actually passed to the Redlich leaving only one conclusion: Clayton Homes still has title to the Mobile Home even though Redlich is living in the Mobile Home.

57. On the same night after the deposition of Clayton Homes and Plaintiff, on January 11, 2016, the City Council adopted an ordinance preventing the Director to issue permits to place "manufactured homes" in the R8 Zone no

matter if it has a permanent foundation or not. The City's position is that the Director had the authority to issue permits to place "manufactured homes" with a permanent foundation in the R8 Zone and they took that authority away from her on December 9, 2015. The Director never had the authority to issue the permits to place manufactured homes in the R8 Zone as conceded in the internal communications attached as Exhibit D. In fact, the Director testified that that she did not have written communications with the City's counsel regarding whether she was "legally obligated" to issue the CO. As shown in Exhibit D, she did receive written advice regarding whether she should issue the CO.

COUNT I - Violation of City of Dover Municipal Ordinances
(Against City of Dover)

58. Plaintiff incorporates by reference all prior paragraphs as if fully set forth herein.

59. The City of Dover's Code of Ordinances defines and designates zones of the City of Dover.

60. The City of Dover has designated Edgehill Acres, including the Lot as zone R8, one-family residence under Appendix B to the Code, Article 2, Section 1. Separately, under this section, "MHP" denotes a different zone, mobile home park.

61. Under Article 3, Section 1.1, one-family residence zones including R8 prohibit buildings or part of buildings to be erected or altered for any use except those specified that do not include placement of mobile homes.

62. Under Article 12, the definition of a dwelling unit excludes "house trailer, or other similar structures or vehicles." This Article also separately defines a mobile home as "[a] single-family dwelling designed for transportation, after fabrication, on streets, and highways on its own wheels or on flatbed or other trailers, and arriving at a site in a mobile home park where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connections to utilities, and the like . . . Double-wide mobile homes are those units built in two halves intended to be assembled together on the site at the time of installation, each half measuring up to 14 feet in width and each finished on three exterior sides."

63. Chapter 66, section 66-1 of the Code also states that the lot where a mobile home is placed "must be located within a mobile home park." Section 66-3 restates that a permanently placed mobile home "shall be considered a mobile home as defined in section 66-1 for purposes of zoning and shall only be permitted to be located in the mobile home park zone (MHP)."

64. The Code indicates that zone R8, including the properties in Edgehill Acres and the Lot, prohibits mobile homes, and they are only to be permitted in zone MHP.

65. On behalf of the Henrys, Clayton Homes applied for a building permit to place the Mobile Home on the Lot in zone R8.

66. Without notice and a hearing on the variance grant, the Planning and Inspections Department approved the individual defendants' application for a building permit and allowed them to place the Mobile Home on the Lot in zone R8. Only the Board of Adjustment, after notice and a hearing can grant use variances. See Article 9, Section 2.1 of the Code.

67. In violation of the Code, the individual defendants placed the Mobile Home on the Lot in zone R8 in Edgehill Acres.

68. As a direct and proximate result of the Defendants' violation of the Code, Plaintiff is and will continue to be damaged by the loss of property value relating to the placement of the Mobile Home on the Lot and an effective change in zoning of their properties from zone R8. As a result of the violations of the Code, the City is liable to Plaintiff and the Class.

69. Order and decisions by municipalities of the State of Delaware may be enjoined by a Court of Chancery if decisions or orders are arbitrary and capricious.

70. The Planning and Inspections Department of the City of Dover acted arbitrary and capriciously when it approved the building permit application without requiring the individual defendants to get a use variance from the Board of Adjustment.

71. When the Planning and Inspections Department granted the permit to place a mobile home in zone R8, one-family residences, it granted a "back-door" use variance. According to the Code, the Mobile Home, even when permanent, must be in a mobile home park in Zone MHP. Therefore, in permitting the individual defendants to place the Mobile Home on the Lot, the Planning and Inspections Department granted a "back-door" use variance.

72. Furthermore, the discovery record has not evidence supporting the City of Dover's findings of fact and conclusions of law at a hearing before the Board of Adjustment to support the use variance of placing a mobile home in area zoned for single family homes (Zone R8)..

73. The Planning and Inspections Department's Special Notes and Comments state that "[p]ermit is for the construction of a manufactured mobile home to be placed on a block foundation that is a permitted use in the R-8 zoning district." This statement is the grant by the Planning and Inspections Department of an unauthorized use variance and is an admission that this is a mobile home not permitted in zone R8.

74. Therefore, the Planning and Inspection Department acted without authority in approving the Henrys' use variance without the formal proceedings before the Board of Adjustment which requires public notice and a hearing. Placement of the Mobile Home on the Lot reduced the value of Plaintiff's home and value of all homes in Edgehill Acres by effectively changing the zoning of Edgehill Acres from R8 to a mobile home lot.

75. Plaintiff and the Class have no adequate remedy at law.

COUNT II – Private Nuisance
(Against Betty J. Henry, Robert D. Henry, Brenda Redlich and CMH Homes, Inc.)

76. Plaintiffs repeat and incorporate by reference the allegations set forth above.

77. Violation of a city zoning ordinance is a *per se* commission of the tort of private nuisance. *Hammond v. Dutton*, 1978 WL 22451 (Del. Ch. Dec. 20, 1978).

78. The individual defendants and CMH Homes, Inc. cannot rely upon the mistaken issuance of a construction permit by a municipality to allow individual defendants to continue to violate city ordinances. *City of Rehoboth Beach v. Shirl Ann Associates*, 1993 WL 401876 (Del. Ch. Aug. 31, 1993). (Delaware has not adopted the "honest error" exception).

79. During the pendency of the proceedings before the City of Dover, the Plaintiff requests that the individual defendants and CMH Homes, Inc. are ordered to remove the Mobile Home from the Lot because the Mobile Home's presence is a continued private nuisance.

80. Plaintiff and the Class have no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests entry on an order as follows:

A. Determining that this action is a proper class action and that Plaintiff is an adequate representative of the Class;

B. Determining and declaring that individual defendants and CMH Homes, Inc. have created a private nuisance by placing the Mobile Home on the Lot in Zone R8;

C. Determining that the City of Dover acted arbitrarily and capriciously in granting the individual defendants and CMH Homes, Inc. a variance to place the Mobile Home on Lot in violation of the Code Zone R8 without notice, comment and a public hearing;

D. Awarding the Class the damages it sustained due to the violations alleged herein from each of the Defendants jointly and severally;

E. Awarding the Class equitable or injunctive relief as permitted by law

including but not limited to requiring the removal of the Mobile Home from the Lot and zone R8;

F. Directing the City of Dover to take all necessary actions to reform and improve its approval of applications consistent with the Code;

G. Awarding Plaintiff the costs and disbursements of this class action, including reasonable attorneys' fees, costs, and expenses; and

H. Granting such other and further relief as the Court deems just and proper.

Dated: February 19, 2016

ANDERSEN SLEATER LLC

/s/ Eric M. Andersen

Eric M. Andersen (No. 4376)
3513 Concord Pike, Ste. 3300
Wilmington, DE 19803
Tel: 302-595-9102
Fax: 302-595-9321

Attorney for Plaintiff

EFiled: Feb 19 2016 12:19PM EST
Transaction ID 58598856
Case No. 11741-VCN

EXHIBIT "A"

KENT COUNTY, DELAWARE
555 Bay Road, Dover, Delaware 19901-3615
(302) 744-2300 -- FAX (302) 736-2279

"Serving Kent County With Pride"

PROPERTY INFORMATION

Planning and Building Permits Information

Reference #		ED EAST DOVER HUNDRED	**Card # 1 of 1**
Location ID	15664	**Map Number**	2-05-07706-02-5500-00001
Tax ID	15664	**Deed BVP**	D 7790 0241
Parcel ID	29679	**Property Code**	P - PROPERTY

Current Owner
REDLICH, BRENDA
823 LOOCKERMAN ST
DOVER, DE 19901

Property Location
823 LOOCKERMAN ST
DOVER , DE 19901

Zoning R8 **Acres** .14

Additional Owner

Sub-Division EDGEHILL ACRES

Sales History				**Liv.Sq.Ft**	.0000
Date	**Price**	**Assessment**		**Total Rooms**	
9/17/15	10	**Land**	7,400	**Bedrooms**	
5/21/14	33,000	**Buildings**		**Full Bath**	
		Total	7,400	**Half Bath**	
Base Tax Due	.00			History	Farm Info

		Last Billing Detail		
Tax Penalty	.00			
Total Tax Bal.	.00			
Sewer Balance	.00	**Sewer Account #**		
Neighborhood #	00207	**Coordinates**		0473822 E 0424178 N
Land Use		**Lot Dimensions**		0000064.50 0000158.00
Living Units		**School District**	18	CAPITOL
Class	Residen	**Fire District**	46	ROBBINS HOSE (DOVER)
Plat Book Pg	002 00046	**Sewer District**	00	NONE
Topography	Level	**Ambulance District**	46	ROBBINS HOSE (DOVER)
Street or Road	Paved	**Trash District**		
Fronting	Residen	**Light District**		
Improvement	VACANT	**Commissioner Dist**	00	
		Tax Ditches	NONE	

IMPROVEMENT KEY	
MANUF HM	Manufactured Home
MANUFCC	Manufactured Home Class C Assessment
MNFHMRT	Manufactured Home Retired Title

Property Description
EDGEHILL ACRES, PART

OF LOTS #107 & 108
823 E LOOCKERMAN ST

Year Built **Type** NO DATA **Energy Adj.**

Style **Fire Places** **Design**

	Type	Percentage	Type	Percentage
Ext. Walls		0		0
Roof Cover		0		0
Floor Cover		0		0
Heat/Cool		0		0
Plaster Int.		0		
Foundation				
Sub-floor				

	Y/N	Unfinished	Basement Living Area	Rec Room
Basement		0	0	0

	Type	Sq.Feet	Wall	Floor
Garage 1		0		
Garage 2		0		
Bas Gar		NO DATA	NO DATA	NO DATA
Porch 1	NO DATA	0		
Porch 2	NO DATA	0		

History

Dimensions 0 X 0
Skirting Type
Skirting Lin Ft 0

Tip Out Sq Ft 0

Serial Number

Manufacturer

Model

Color

OUTBUILDINGS			
Type/Dimn	**Description**	**Type/Dimn**	**Description**

EFiled: Feb 19 2016 12:19PM EST
Transaction ID 58598856
Case No. 11741-VCN

EXHIBIT "B"

City of Dover - BUILDING PERMIT APPLICATION

15 Loockerman Plaza • Dover, Delaware 19901 • (302) 736-7010 • FAX (302) 736-4217

Office Use Only
Permit Number 15-1192
Roll Plans Fold Plans CD
Date Received 9/3/15 mm
Date Issued 10/4/15 mm
Flood Plain Y (N) Taxes Y (N)
Public Works (Y) N KCD Y (N)
C/O Required YES

Project Address/Tax Parcel Identification Number ED-05-077.06-02-55.00-000
823 E. Loockerman St Dover, DE 19901

Applicant's Name
CMH HOMES, INC

Owner Name and Address Betty J. Henry Phone # (302-735-7964
E-mail address: Robert D. Henry 116 Winding Ridge Rd Dover

Contractor Name and Address CMH HOMES, INC Phone # (302-734-1740
4679 N. DUPONT Hwy DOVER DE 19901 16
E-mail address: R728@clayton homes.com Dover Business License # 15-00012029

BUILDING DETAILS

Proposed Occupancy 3BR/2BA
Type of Construction Manufactured
Change in Occupancy or Use? Yes or No
If yes, describe the previous use land

Type of work: (✓) New ( ) Addition ( ) Demolition
( ) Renovation – Interior ___ Exterior ___
( ) Roof – tear off ___ overlay ___ # of layers ___
( ) Alteration ( ) Siding ( ) Solar panels
( ) Full Building Demolition ( ) Selective Demolition
( ) Fence - Height ___ ( ) Pool ( ) Elevator
( ) OTHER ___

Number of Stories 1
Total Height in Feet 13ft high
Total Land Area to be Disturbed (in SF) 2500 SqFt
Proposed Occupant Load ___
Square Footage All Floors 1272 sq ft
Total Work Area (in SF) 2500 SF

Description of Work:
New 3 Bedroom, 2 Bath Construction of manufactured home on block foundation

Sprinkler System? Yes or (No)
Fire Alarm System? Yes or No

Estimated Value of Construction: $146,102.00

Review Approvals	Date	Initials
( ) Building Plan	9/9	JM
(✓) Fire Plan	9/9	JM
(✓) Zoning / Site Plan	9/21	JM

Total Fee 1193.00
Fees Paid ( )
Check # ___ Cash ___
Collected By ___

Certification in Lieu of Oath

I hereby certify that I am the owner of record or a contractor authorized by the owner of record to make this application, and that all work will be performed in accordance with the applicable Codes and Ordinances.

Signature
9/3/15
Date

Before You Dig! Call Miss Utility 1-800-282-8555 or other authorized locator.
Attention! Please post your issued permit on site and visible from the street.

9/21 See Manuf home permit attached

Brief Description of Work (To Be Completed by Applicant):	To Be Completed By Planning & Inspections Staff
New manufactured home construction on block	Building Permit #: 15-1192 Plumbing Permit #: C/O Required: Y/N

WORK SITE LOCATION	Address: 823 E. Lockerman St. Dover DE 19901
	Parcel ID: ED-05-077.06-02-55.00-000

RECEIVED SEP 14 2015 BY:

Applicant (Owner or Contractor)	CMH Homes, Inc
Contact Person	Heather Estepp
Mailing Address	4079 N. DuPont Hwy
City, State, Zip	Dover DE 19901
Telephone	302-734-1740
Fax	302-734-2321
E-mail Address	R728@Claytonhomes.com

Received SEP 08 2015 Planning & Inspections

Does Your Project Propose . . .	Yes	No	If Yes, Describe
an increase or decrease to the quantity of plumbing fixtures at the location?	✓		New home 2 bath
a change in size of the water line serving the location?	✓		no water line @ location
a new water irrigation system?		✓	
a change in size of the sanitary sewer line serving the location?		✓	
relocation of the water meter?	✓		no water meter
relocation of the water line serving the location or any associated appurtenances?	✓		no water line
relocation of the sanitary sewer line serving the location or any associated appurtenances?	✓		Yes no existing sewer
any work within the right-of-way?		X	
any proposed sidewalk work?	✓		Curb cutting
any proposed concrete work?	✓		footers
any alteration to any storm drain infrastructure?		X	
any proposed curb alteration, i.e., new driveway to property?	✓		
any proposed scaffolding to renovate building exterior?		✓	
any proposed tree or shrub plantings within the right-of-way?		✓	
an upgrade in sanitation service?		✓	
a relocation of the existing trash pick-up location?		✓	

EASEMENT*	Yes	No
Is there any existing easement on this property? (utility, drainage, cross access, etc.)		✓

*-It is prohibited to build any structure within an existing easement.

I hereby certify that the information provided above is correct and acknowledge that should any differences be identified throughout the course of the project that all renovation project requirements still apply.

Heather Estepp — Printed Name of Applicant

Heather Estepp — Signature of Applicant

9/3/15 — Date

THIS FORM MUST BE COMPLETED AND TURNED IN WITH PLUMBING PERMIT APPLICATION OR BUILDING PERMIT APPLICATION

APPROVED V/A HTE 18SEPT15 JL

15-1192

MANUFACTURED HOME PERMIT

City of Dover

BEFORE YOU DIG CALL MISS UTILITY 1-800-282-8555

DATE RECEIVED _____

1. Identification - APPLICANT: COMPLETE ALL APPLICABLE INFORMATION. MUST READY FOR INSPECTION OR TO CHANGING CONTRACTORS CALL 736-7011 72 HOURS IN ADVANCE

WORK SITE LOCATION 823 E. Lockerman St

SUBDIVISION ___ LOT NO N/A

OWNER Betty J. Henry & Robert D. Henry

ADDRESS 111e Winding Ridge Rd

Dover DE 19904

TELE (302) 735-1964 CELL ( ) _____

DEALER WHERE HOME WAS PURCHASED CMH Homes Inc

ADDRESS 4079 N. Dupont Hwy Dover DE

TELE 302 734 1740 CELL ( ) _____

DOVER BUSINESS LICENSE NO. 15-0001202 9

LICENSED HOME INSTALLER B&O mobile transport

ADDRESS 5600 Willow Grove Rd Wyoming DE 19934

TELE 302 284-4086 CELL ( ) _____

INSTALLER LICENSE NO. 14-25471

**CERTIFICATION IN LIEU OF OATH:
I HEREBY CERTIFY THAT I AM THE (AGENT OF: OWNER OF RECORD AND AN AUTHORIZED TO MAKE THIS APPLICATION AND WILL PERFORM ALL WORK IN ACCORDANCE WITH THE APPLICABLE CODES AND ORDINANCES.

PRINT NAME _____

SIGNATURE _____

DESCRIPTION OF HOME

MANUFACTURER CMH Oxford

YEAR OF HOME 2015 SIZE OF HOME 28X52

PERMANENT FOUNDATION ✓ YES ___ NO

BLOCKING & SKIRTING ✓ YES ___ NO

TYPE OF ANCHOR Oliver anchor Stabilizing System

***FOOTING PLAN REQUIRED FROM INSTALLER. INSTALLATION MANUAL MUST BE IN THE HOME AT TIME OF INSPECTION.

JOB SUMMARY (OFFICE USE ONLY)		
PLAN REVIEW:	DATE	INITIAL
( ) FOOTING	___	___
CODE REVIEW:		
(✓) ZONING	9/9	
(✓) FIRE	9/9	

EST. COST OF BLDG WORK:
1. NEW BLDG $ _____
2. ALTERATION $ _____
3. TOTAL $ 12,004.00

PAID ( ) CHECK# _____
CASH _____
COLLECTED BY _____

CITY OF DOVER
PLANNING & INSPECTIONS
15 E LOOCKERMAN STREET
DOVER DE 19901

Application Number . . . . . 15-00001192 Date 10/14/15
Property Address . . . . . 823 E LOOCKERMAN ST
Tax Map Number: ED-05-077.06-02-550.000-000
DRS from Location Master:
Tenant nbr, name . . . . . BETTY J HENRY
Application type description MANUFACTURED HOME
Subdivision Name . . . . . .
Property Use . . . . . .
Property Zoning . . . . . ONE FAMILY RESIDENCE
Application valuation 146102

Owner

HENRY,ROBERT D & BETTY J
116 WINDING RIDGE RD
DOVER DE 19901

Contractor

CMH HOMES INC
ATTN:RETAIL LICENSE DEPT
PO BOX 9790
MARYVILLE TN 37802
(302) 734-1740

Permit . . . . . BUILDING PERMIT
Additional desc . .
Permit Fee . . . . 1193.00 Plan Check Fee . . .00
Issue Date . . . . 10/14/15 Valuation 146102
Expiration Date . . 4/11/16

Qty	Unit	Charge	Per		Extension
				BASE FEE	25.00
146.00		8.0000	THOU	COST $1001 UP TO 10 MILLION	1168.00

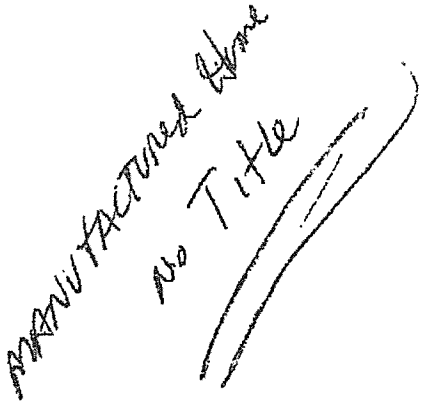
Special Notes and Comments
SMOKE AND CARBON MONOXIDE DETECTION DEVICES ARE REQUIRED PER THE ADOPTED BUILDING CODES.
2009 IRC (sections referenced from Appendix E Manufactured Housing Used as Dwellings. The criteria for the construction of manufactured homes are governed by the National Manufactured Housing Construction and Safety Act. While this act may seem to cover the bulk of the construction of manufactured housing, it does not cover those areas related to the placement of the housing on the property. The provisions of Appendix E are not applicable to the design and construction of manufactured

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CALL(302)736-7010, 736-4457 or 736-7011
for scheduling inspections

CITY OF DOVER
PLANNING & INSPECTIONS
15 E LOOCKERMAN STREET
DOVER DE 19901

Special Notes and Comments
homes. Appendix E provides a complete set of regulations in conjunction with federal law for the installation of manufactured housing. This appendix also contains provisions for existing manufactured home installations.
AE101.1 General. These provisions shall be applicable only to a manufactured home used as a single dwelling unit installed on privately owned (non rental) lots and shall apply to the following:
1. Construction, alteration and repair of any foundation system which is necessary to provide for the installation of a manufactured home unit.
2. Construction, installation, addition, alteration, repair or maintenance of the building service equipment which is necessary for connecting manufactured homes to water, fuel, or power supplies and sewage systems.
3. Alterations, additions or repairs to existing manufactured homes. The construction, alteration, moving, demolition, repair and use of accessory buildings and structures and their building service equipment shall comply with the requirements of the codes adopted by this jurisdiction. These provisions shall not be applicable to the design and construction of manufactured homes and shall not be deemed to authorize either modifications or additions to manufactured homes where otherwise prohibited.
Exception: In addition to these provisions, new and replacement manufactured homes to be located in flood hazard areas as established in Table R301.2(1) of the International



CITY OF DOVER
PLANNING & INSPECTIONS
15 E LOOCKERMAN STREET
DOVER DE 19901

Application Number 15-00001192

Special Notes and Comments
Residential Code shall meet the applicable requirements of Section R322 of the International Residential Code.
AE301.1 Initial installation. A manufactured home shall not be installed on a foundation system, reinstalled or altered without first obtaining a permit from the building official. A separate permit shall be required for each manufactured home installation. When approved by the building official, such permit may include accessory buildings and structures and their building service equipment when the accessory buildings or structures will be constructed in conjunction with the manufactured home installation.
AE302.1 Application. To obtain a manufactured home installation permit, the applicant shall first file an application in writing on a form furnished by the building official for that purpose. At the option of the building official, every such application shall:
1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use or occupancy for which the proposed work is intended.
4. Be accompanied by plans, diagrams, computations and specifications and other data as required in Section AE302.2.
5. Be accompanied by a soil investigation when required by Section

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CITY OF DOVER
PLANNING & INSPECTIONS
15 E LOOCKERMAN STREET
DOVER DE 19901

Application Number . . . . . 15-00001192 Page 4
Date 10/14/15

Special Notes and Comments
AE502.2.
6. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
7. Be signed by permittee, or permittee s authorized agent, who may be required to submit evidence to indicate such authority.
8. Give such other data and information as may be required by the building official.
AE302.2 Plans and specifications. Plans, engineering calculations, diagrams and other data as required by the building official shall be submitted in not less than two sets with each application for a permit. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such. Where no unusual site conditions exist, the building official may accept approved standard foundation plans and details in conjunction with the manufacturer's approved installation instructions without requiring the submittal of engineering calculations.
AE302.3 Information on plans and specifications. Plans and specifications shall be drawn to scale on substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and shown in detail that it will conform to the provisions of these provisions and all relevant laws, ordinances, rules and regulations. The building official shall determine what information is required on plans and specifications to ensure compliance.

CALL(302)736-7010, 736-4457 or 736-7011
for scheduling inspections

CITY OF DOVER
PLANNING & INSPECTIONS
15 E LOOCKERMAN STREET
DOVER DE 19901

Application Number . . . . . 15-00001192 Page 5
Date 10/14/15

Special Notes and Comments
AE305.1 General. All construction or work for which a manufactured home installation permit is required shall be subject to inspection by the building official, and certain types of construction shall have continuous inspection by special inspectors as specified in Section AE306. A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans. It shall be the duty of the permit applicant to cause the work to be accessible and exposed for inspection purposes. Neither the building official nor this jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.
AE305.2 Inspection requests. It shall be the duty of the person doing the work authorized by a manufactured home installation permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official. It shall be the duty of the person requesting any inspections required either by these provisions or other applicable codes to provide access to and means for proper inspection of such work.
AE305.3 Inspection record card (and or Permit). Work requiring a manufactured home installation permit shall not be commenced until the permit holder or the permit holder s agent shall have posted an inspection record card in a

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CITY OF DOVER
PLANNING & INSPECTIONS
15 E LOOCKERMAN STREET
DOVER DE 19901

Application Number . . . . . 15-00001192 Date 10/14/15

Special Notes and Comments
and shall not include building service equipment which is a part of the manufactured home itself.
No portion of any building service equipment intended to be concealed by any permanent portion of the construction shall be concealed until inspected and approved. Building service equipment shall not be connected to the water, fuel or power supply or sewer system until authorized by the building official.
AE305.5.4 Final inspection. When finish grading and the manufactured home installation, including the installation of all required building service equipment, is completed and the manufactured home is ready for occupancy, a final inspection shall be made.
AE305.6 Other inspections. In addition to the called inspections specified above, the building official may make or require other inspections of any construction work to as certain compliance with these provisions or other codes and laws which are enforced by the code enforcement agency.
AE305.5.3 Building service equipment inspections. All building service equipment which is required as a part of a manufactured home installation, including accessory buildings and structures authorized by the same permit, shall be inspected by the building official. Building service equipment shall be inspected and tested as required by the applicable codes. Such inspections and testing shall be limited to site construction and shall not include building service equipment which is a part of the

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CITY OF DOVER
PLANNING & INSPECTIONS
15 E LOOCKERMAN STREET
DOVER DE 19901

Special Notes and Comments
manufactured home itself.
No portion of any building service equipment intended to be concealed by any permanent portion of the construction shall be concealed until inspected and approved. Building service equipment shall not be connected to the water, fuel or power supply or sewer system until authorized by the building official.
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FOUNDATION SYSTEMS
Footings and foundations. Footings and foundations, unless otherwise specifically provided, shall be constructed of materials specified by this code for the intended use and shall in all cases extend below the frost line (24 inches).
Piers and bearing walls shall be supported on masonry or concrete foundations or piles which shall be of sufficient capacity to support all loads. Drainage. Provisions shall be made for the control and drainage of surface water away from the manufactured home.
PIER CONSTRUCTION

CITY OF DOVER
PLANNING & INSPECTIONS
15 E LOOCKERMAN STREET
DOVER DE 19901

Page 10
Application Number . . . . . 15-00001192 Date 10/14/15

Special Notes and Comments
General. Piers shall be designed and constructed to distribute loads evenly. Spacing of piers shall be as specified in the manufacturer s installation instructions.
THE ADDITION OF PLUMBING FIXTURES MAY REQUIRE THE ASSESSMENT OF SEWER AND WATER IMPACT FEES. IMPACT FEES ARE ASSESSED UPON APPLICATION FOR A CERTIFICATE OF OCCUPANCY AND MUST BE PAID PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY AMT 4/17/13
September 21, 2015 9:39:11 AM tnh.
Permit is for the construction of a manufactured mobile home to be placed on a block foundation that is a permitted use in the R-8 zoning district. The house complies with the maximum building height. The house shall not encroach within any of the required setbacks. A Certificate of Occupancy shall not be issued if the house encroaches within the setback. The property has a maximum lot coverage requirement of 35%. The lot coverage for the building, driveway and the porch have a combined total of 2,375 SF or 23% lot coverage.
September 18, 2015 2:56:15 PM jal.

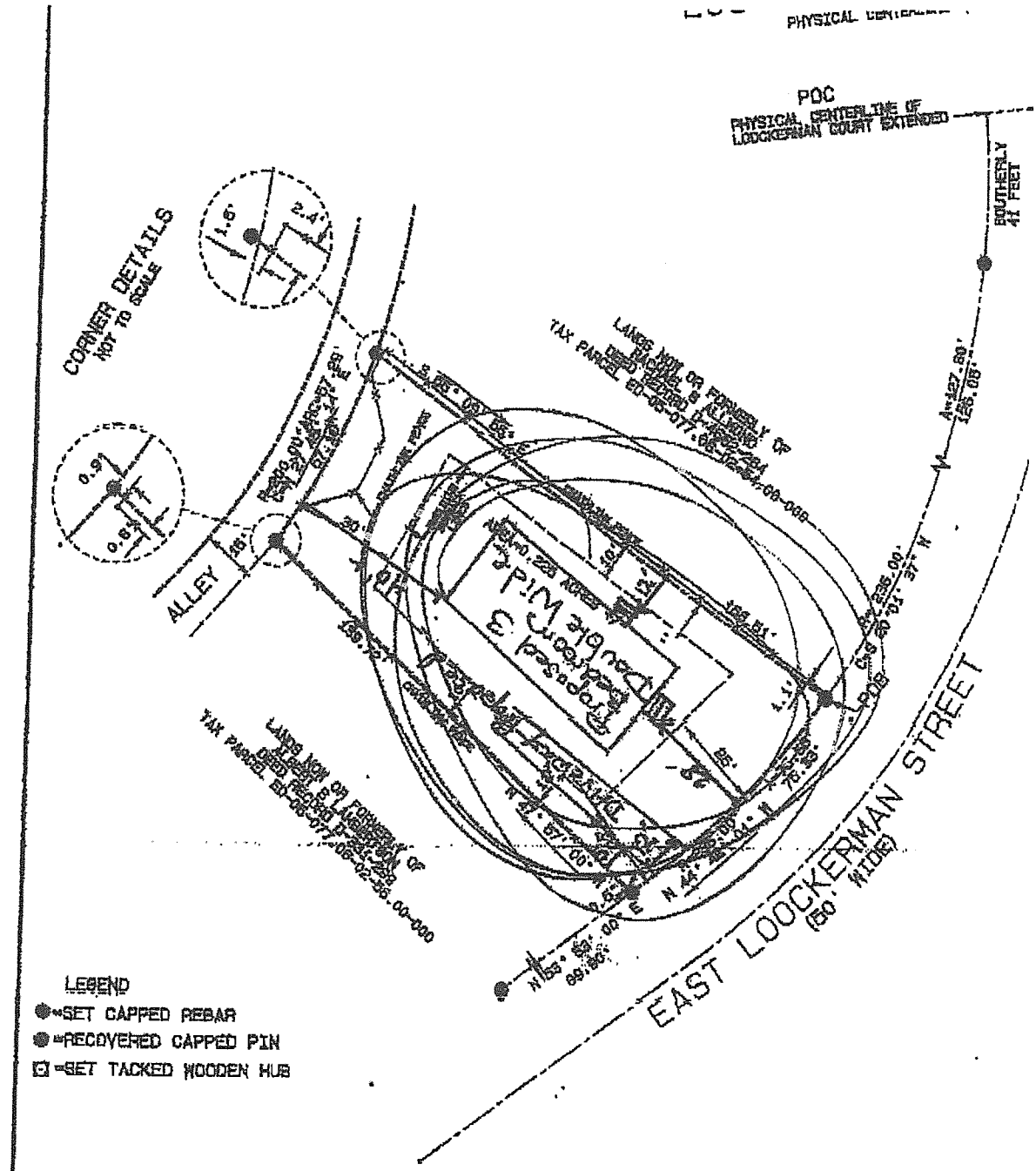
New house construction shall be in strict accordance to the approved subdivision plan. Per the Water / Wastewater Handbook, all new construction projects are required to bring the component of the water and wastewater service to be installed to current standards and specifications.

mobile

It's a mobile home

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	1193.00	1193.00	.00	.00
Plan Check Total	.00	.00	.00	.00
Grand Total	1193.00	1193.00	.00	.00

CALL(302)736-7010, 736-4457 or 736-7011
for scheduling inspections



APPROVED
City of Dover - Dept of Planning

Name _____
Date _____
Permit # 15-47

SCALE 1'

0

PHYSICAL LAND BOUNDARY SURVEY
FOR
CMH HOMES INC.
CITY OF DOVER
KENT COUNTY
DELAWARE

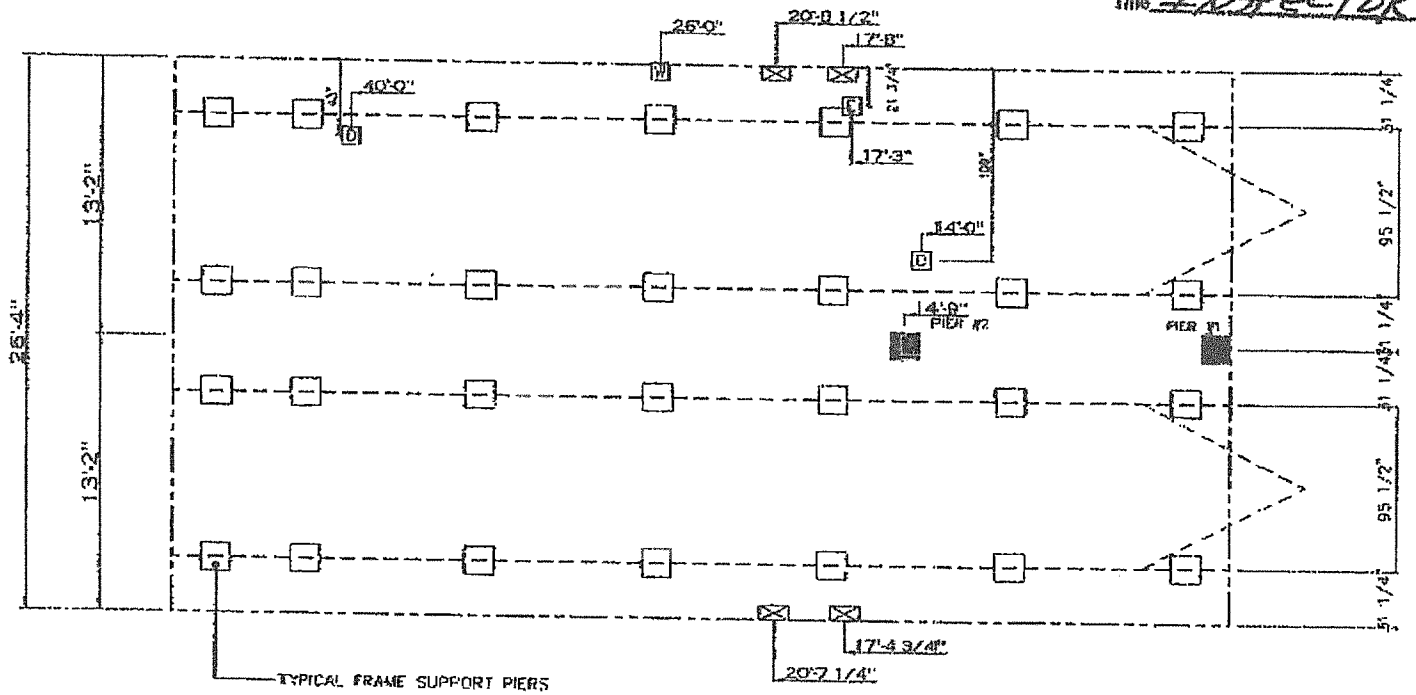
W JULIAN MARVEL
2432 DYKE BRANCH
DOVER, DE 19
JULIAN@SSSURVEY.COM

SCALE 1"=40' DATE 9-1
DRAWN BY KJH CLIENT I

20 lb ROOF LOAD SIDEWALL OPENING PIER LOAD 14' BOX WIDTH	SIDEWALL OPENING (FT) REQUIRED PIER LOAD (LBS)					
	3	4	5	6	8	10
	1175	1330	1485	1640	1950	2260

*FOR 30 lb & 40 lb ROOF LOAD REFER TO TABLES 7 & 7a IN THE INSTALLATION MANUAL.

Plan of Approval
City of Dover
Dept. of Inspections & Planning
Date 9/9/15
Name Mike Mulligan
Title INSPECTOR II



GENERAL NOTES:
1. PIER LOADS SHOWN ARE TO BE USED TO SIZE THE FOOTINGS BELOW THE MARRIAGEWALL FOR COLUMN SUPPORT PIERS. REFER TO TABLES 6b AND 6c IN THE INSTALLATION MANUAL FOR LOAD ON FRAME PIER FOOTINGS FOR HOMES THAT DO NOT REQUIRE PERIMETER BLOCKING. REFER TO TABLES 7b AND 7c IN THE INSTALLATION MANUAL FOR LOAD ON FRAME PIER FOOTINGS THAT REQUIRE PERIMETER BLOCKING. REFER TO TABLES 10 AND 10a TO DETERMINE FOOTING SIZE FOR ALL PIERS.
2. REFER TO TABLE 9 FOR PIER CONFIGURATION AND MAXIMUM ALLOWABLE HEIGHTS. CROSS REFERENCE THE PIER HEIGHT WITH THE MAXIMUM ALLOWABLE FLOOR HEIGHT LISTED IN THE FRAME TIEDOWN CHARTS (TABLE 18, 19, AND 20).
3. FLOOR WIDTH SHOWN IS FOR STANDARD PRODUCT ONLY. CONTACT THE MFG PLANT FOR SPECIFICATIONS OF OPTIONS ORDERED.
4. SERVICE DROP LOCATIONS IDENTIFIED ARE APPROXIMATE.
5. THE MAXIMUM SPACING FOR FRAME SUPPORT PIERS FOR 8" I-BEAMS IS 8 FEET, 10" & 12" I-BEAMS ARE 10 FEET.

PIER LOAD 20lb. ROOF LOAD	
COLUMN PIER #	COLUMN LOAD (lbs)
PIER # 1	2523
PIER # 2	2523

PIER LEGEND
- ☐ = SUPPORT UNDER MATING OPENING
- ▩ = SUPPORT AT MATING WALL
- ▩ = SUPPORT UNDER MATING WALL
- ▩ = PIER PERIMETER/RECESSED ENTRY
- ☐ = PIER MIDSPAN
- ▭ = PIER PERIMETER
- ○ = RE-BORED SUPPORT (TYP PER TIE SEE DETAIL D-4 & FRAME INFO)

SERVICE DROP LEGEND
- [E] = ELECTRICAL DROP
- [W] = WATER INLET
- [S] = SWV PLUMBING DROP
- [G] = GAS INLET

1,264 SQ.FT. (STD PLAN "CONDITIONED
N/A SQ.FT. (W/OPT. PORCH/RECESS "CONDITIONED

CMH MANUFACTURING INC.	Model #: KEY28-183A	Drawing #:
Product Category: Housing	Size: 28 x 48	Scale: 1/8
	28 x 48 Key Stone	29M079

PIER LOADS

11/08/2015 19:58 (FAX) P.014/033

escription of Materials

U.S. Department of Housing and Urban Development
Department of Veterans Affairs
Farmers Home Administration

HUD's OMB Approval No. 2502-0192 (exp. 05/31/2007) and 2502-0313 (exp. 03/31/2008)

blic reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching sting data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

National Housing Act (12 USC 1709) authorizes insuring financial institutions against default losses on single family mortgages. HUD must evaluate the eptability and value of properties to be insured. The information collected here will be used to determine if proposed construction meets regulatory uirements and if the property is suitable for mortgage insurance. Response to this information collection is mandatory. No assurance of confidentiality rovided.

Proposed Construction ☐ Under Construction No. _____ (To be inserted by HUD, VA or FmHA)

operty address (Include City and State)

me and address of Mortgagor or Sponsor	Name and address of Contractor or Builder
	Clayton Homes, Inc. Oxford 3212 Knotts Grove Rd Oxford,N.C.

tructions

or additional information on how this form is to be submitted, number of ies, etc., see the instructions applicable to the HUD Application for gage Insurance, VA Request for Determination of Reasonable Value, mHA Property Information and Appraisal Report, as the case may be. escribe all materials and equipment to be used, whether or not shown on drawings, by marking an X in each appropriate check-box and entering information called for each space. If space is inadequate, enter "See ," and describe under item 27 or on an attached sheet. The use of nt containing more than the percentage of lead by weight mitted by law is prohibited.

3. Work not specifically described or shown will not be considered unless required, then the minimum acceptable will be assumed. Work exceeding minimum requirements cannot be considered unless specifically described.
4. Include no alternates, "or equal" phrases, or contradictory items. (Consideration of a request for acceptance of substitute materials or equipment is not thereby precluded.)
5. Include signatures required at the end of this form.
6. The construction shall be completed in compliance with the related drawings and specifications, as amended during processing. The specifications include this Description of Materials and the applicable Minimum Property Standards.

Excavation

ling soil, type On site by others

Foundations

ings concrete mix On site by others Strength psi _____ Reinforcing _____
undation wall material _____ Reinforcing _____

erior foundation wall material _____ Party foundation wall _____
lumns material and sizes _____ Piers material and reinforcing _____
ders material and sizes _____ Sills material _____
sement entrance areaway _____ Window areaways _____
dproofing _____ Footing drains _____
rmite protection _____
sementless space ground cover _____ Insulation _____ foundation vents _____
ecial foundations _____
ditional information

Chimneys

terial Stainless steel Prefabricated (make and size) VENTAR by Stylecrest 12" double wall
s lining material Stainless steel Heater flue size _____ Fireplace flue size 12"
nits (material and size) gas or oil heater stainless 8" water heater _____
ditional information

Fireplaces

e ☒ solid fuel ☐ gas-burning ☐ circulator (make and size) _____ Ash dump and clean-out _____
place facing Steel Lining _____ Hearth concrete mantel wood
tional information

5. Exterior Walls
Wood frame wood grade, and species 2 X 4 stud grade ☐ Corner bracing Building paper or felt

Sheathing OSB thickness 3/8" width 4' ☒ solid ☐ spaced o.c. ☐ diagonal

Siding vinyl lap grade Type size double 4 exposure full fastening 16" oc
Shingles fiberglass grade Type size exposure fastening

Stucco thickness Lath weight lb
Masonry veneer Sills Lintels Base flashing

Masonry ☐ Solid ☐ faced ☐ Stuccoed total wall thickness facing thickness facing material

Backup material Thickness bonding

Door sills Window sills Lintels Base flashing

Interior surfaces dampproofing, costs of furring
Additional information

Exterior painting material number of coats

Gable wall construction ☐ same as main walls ☐ other construction

6. Floor Framing
Joists wood, grade, and species 2 X 6 spf Other 2x6 bridging anchors
Concrete slab ☐ basement floor ☐ first floor ☐ ground supported ☐ Self-supporting mix thickness
reinforcing insulation fiberglass blankets membrane
Fill under slab material thickness
Additional information

7. Subflooring (Describe underflooring for special floors under item 21)
Material grade and species T&G OSB size 19/32 type 4' X 8'
Laid ☐ first floor ☐ second floor ☐ attic sq ft diagonal ☐ right angles ☐
Additional information

8. Finish Flooring (Wood only. Describe other finish flooring under item 21)

Location	Rooms	Grade	Species	Thickness	Width	Bldg. Paper	Finish
First floor							
Second floor							
Attic floor	sq. ft						

Additional information

9. Partition Framing
Studs wood, grade, and species #3 or better size and spacing 2x3 & 2x4 24"oc Other 16" oc on shear walls
Additional information

10. Ceiling Framing
Joists wood, grade, and species Prefabricated rafter spf Other N/A Bridging N/A
Additional information
20 lb live load 3rd party tested & design for 24" oc may

11. Roof Framing
Rafters wood, grade, and species see # 10 Roof trusses (see detail) grade and species
Additional information

12. Roofing
Sheathing wood, grade, and species 7/16" OSB rated at 24" oc. ☐ solid ☐ spaced 24" o.c.
Roofing fiberglass shingle grade 230 lb size 13.36 type 3 tab self sealing
Underlay Shingle underlayment weight or thickness size fastening
Built-up roofing number of plies surfacing material
Flashing material gage or weight ☐ gravel stops ☐ snow guards
Additional information

13. Gutters and Downspouts
Gutters material _____ gage or weight _____ size _____ shape _____
Downspouts material _____ gage or weight _____ size _____ shape _____ Number _____
Downspouts connected to ☐ Storm sewer ☐ sanitary sewer ☐ dry-well ☐ Splash blocks material and size _____
Additional information

14. Lath and Plaster
Lath ☐ walls ☐ ceilings material _____ weight or thickness _____ Plaster coats _____ finish _____
Dry-wall ☐ walls ☒ ceilings material 1/2" Drywall thickness 1/2 finish accoustic
Joint treatment

15. Decorating (Paint, wallpaper, etc.)

Rooms	Wall Finish Material and Application	Ceiling Finish Material and Application
Kitchen	All rooms have prefinished vinyl wall board	Mud, vapor barrier, accoustic
Bath		
Other		

Additional information

16. Interior Doors and Trim
Doors type Hollow core material Hardboard thickness 1 1/4"
Door trim type _____ material _____ Base type _____ material _____ size _____
Finish doors prefinished trim _____
Other trim (item, type and location) _____
Additional information

17. Windows
Windows type Vinyl or aluminum make Kinro material aluminum & vinyl sash thickness _____
Glass grade _____ ☒ sash weights ☐ balances, type _____ head flashing _____
Trim type _____ Material _____ Paint _____ number coats _____
Weatherstripping type Putty tape & caulk material _____ Storm sash, number _____
Screens ☐ full ☒ half type aluminum number _____ screen cloth material _____
Basement windows type _____ material _____ screens, number _____ Storm sash, number _____

Special windows _____
Additional information
egress all bedrooms Optional storm windows all locations

18. Entrances and Exterior Detail
Main entrance door material steel width 34" 36" thickness 2" Frame material wood thickness 3/4"
Other entrance doors material aluminum width 34" 36" thickness 1 3/4" Frame material alumin thickness 1/4"
Head flashing _____ Weatherstripping type Putty tape & caulk saddles _____
Screen doors thickness 1" number _____ screen cloth material _____ Storm doors thickness _____ number _____
Combination storm and screen doors thickness 4" number _____ screen cloth material _____
Shutters ☐ hinged ☒ fixed Railings _____ Attic louvers aluminum
Exterior millwork grade and species _____ Paint _____ number coats _____
Additional information

19. Cabinets and Interior Detail
Kitchen cabinets, wall units material MDF,OSB, Panelling lineal feet of shelves _____ shelf width _____
Base units material MDF, OSB, Panelling counter top formica edging formica
Back end end splash _____ Finish of cabinets prefinished number coats _____
Medicine cabinets make _____ model _____
Other cabinets and built-in furniture _____
Additional information
Oak cabinet doors optional

20. Stairs

Stair	Treads		Risers		Stringe		Handrail		Balusters	
	Material	Thickness	Material	Thickness	Material	Size	Material	Size	Material	Size
Basement										
Main										
Attic										

Disappearing make and model number _____
Additional information

21. Special Floors and Wainscot (Describe Carpet as listed in Certified Products Directory)

	Location	Material, Color, Border, Sizes, Gage, Etc.	Threshold Material	Wall Base Material	Underfloor Material
Floors	Kitchen	vinyl roll goods (~~laminated~~) Congoleum			
	Bath	vinyl or carpet			

	Location	Material, Color, Border, Cap, Sizes, Gage, Etc.	Height	Height Over Tub	Height in Showers (From Floor)
Wainscot	Bath				

Additional information

22. Plumbing

Fixture	Number	Location	Make	MFR's Fixture Identification No.	Size	Color
Sink	1	kitchen			16X32 dbl	stainless
Lavatory	2+	baths			16"	china
Water closet	2+	baths				china
Bathtub	2+	baths				
Shower over tub	1+	baths				
Stall shower	1	bath				
Laundry trays	optional	utility room				

Bathroom accessories ☐ Recessed material _____ number _____ ☐ Attached material _____ number _____
Additional information

☐Curtain rod ☐Door ☐Shower pan material _____ * (Show and describe individual system in complete detail in separate drawings and specifications according to requirements.)

Water supply ☐public ☐community system ☐individual (private) system*
Sewage disposal ☐public ☐community system ☐individual (private) system*
House drain (inside) ☐cast iron ☐tile ☐other _____ House sewer (outside) ☐cast iron ☐tile ☐other _____
Water piping ☐galvanized steel ☐copper tubing ☐other _____ Still cocks, number _____
Domestic water heater type _____ make and model _____ heating capacity _____ gph. 100° rise
Storage tank material _____ Capacity _____ gallons
Gas Service ☐ utility company ☐ liq. pet. gas ☐other _____ ☐Gas piping ☐cooking ☐house heating
Footing drains connected to ☐storm sewer ☐sanitary sewer ☐dry well ☐Sump pump make and model _____
capacity _____ discharges into _____
Additional information

23. Heating
☐ Hot water ☐ Steam ☐ Vapor ☐ One-pipe system ☐ Two-pipe system

☐ Radiators ☐ Convectors ☐ Baseboard radiation Make and model _____

☐ Radiant panel ☐ floor ☐ wall ☐ ceiling ☐ Panel coil material _____

☐ Circulator ☐ Return pumpMake and model _____ capacity _____ gpm.

Boiler make and model _____ Output _____ Btuh. net rating _____ Btuh.

Additional information

Warm air ☐ Gravity ☒ Forced Type of system elec furnace

Duct material supply aluminum return in furnace Insulation min R-11 thickness _____ ☐ Outside air intake

Furnace: make and model miller Input _____ Btuh. output _____ Btuh.

Additional information

☐ Space heater ☐ floor furnace ☐ wall heaterInput _____ Btuh. output _____ Btuh. number units _____

Make, model _____

Additional information

Controls make and types _____

Additional information

Fuel: ☐ Coal ☐ oil ☐ gas ☐ liq. pet. gas ☐ electric ☐ other _____ storage capacity _____

Additional information

Firing equipment furnished separately ☐ Gas burner, conversion type ☐ Stoker hopper feed ☐ bin feed

Oil burner ☐ pressure atomizing ☐ vaporizing

Make and model _____

Control _____

Additional information

Electric heating system type _____ Input _____ watts @ _____ volts output _____ Btuh.

Additional information

Ventilating equipment ☐ attic fan, make and model _____ capacity _____ cfm.

☐ kitchen exhaust fan, make and model Venmore PR 51

Other heating, ventilating, or cooling equipment _____

Additional information

24. Electric Wiring

Service ☐ overhead ☐ underground Panel ☐ fuse box ☐ circuit-breaker make _____ AMP's _____ No. circuits _____

Wiring ☐ conduit ☐ armored cable ☐ nonmetallic cable ☐ knob and tube ☐ other _____

Special outlets ☐ range ☐ water heater ☐ other _____

☐ Doorbell ☐ Chimes ☐ Push-button locations _____

Additional information

25. Lighting Fixtures

Total number of fixtures _____ Total allowance for fixtures, typical installation, $ _____

Nontypical installation _____

Additional information

26. Insulation

Location	Thickness	Material, Type, and Method of Installation	Vapor Barrier
Roof	8 to 12"	r-22 to r-28 blown cellulose	sprayed
Ceiling			
Wall	3"	r-11 To r-15 fiberglass batts	vinyl wall boards
Floor	6 To 8"	r-11 To r-22 blanket fiberglass	bottom board cover

27. Miscellaneous (Describe any main dwelling materials, equipment, or construction items not shown elsewhere; or use to provide additional information where the space provided was inadequate. Always reference by item number to correspond to numbering used on this form.)

Hardware (make, material, and finish.)

Special Equipment (State material or make, model and quantity. Include only equipment and appliances which are acceptable by local law, custom and applicable FHA standards. Do not include items which, by established custom, are supplied by occupant and removed when he vacates premises or chattles prohibited by law from becoming realty.)

Porches

Terraces

Garages

Walks and Driveways
Driveway width _____ base material _____ thickness _____ surfacing material _____ thickness _____
Front walk width _____ material _____ thickness _____ Service walk width _____ material _____ thickness _____
Steps material _____ treads _____ risers _____ Cheek walls _____
Other Onsite Improvements
(Specify all exterior onsite improvements not described elsewhere, including items such as unusual grading, drainage structures, retaining walls, fence, railings, and accessory structures.)

Landscaping, Planting, and Finish Grading
Topsoil _____ thick ☐ front yard ☐ side yards ☐ rear yard to _____ feet behind main building
Lawns (seeded, sodded, or sprigged) ☐ front yard _____ ☐ side yards _____ ☐ rear yard _____
Planting ☐ as specified and shown on drawings ☐ as follows:

_____	Shade trees deciduous _____ caliper		_____	Evergreen trees _____ to _____	B & B
_____	Low flowering trees deciduous _____ to _____		_____	Evergreen shrubs _____ to _____	B & B
_____	High-growing shrubs deciduous _____ to _____		_____	Vines, 2-year _____	
_____	Medium-growing shrubs deciduous _____ to _____			Other	
_____	Low-growing shrubs deciduous _____ to _____				

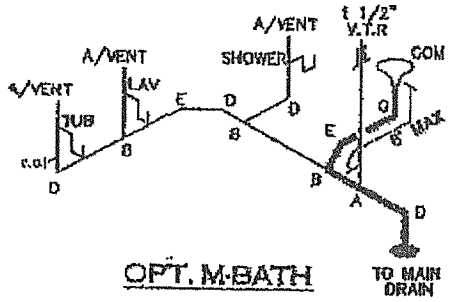
Identification—This exhibit shall be identified by the signature of the builder, or sponsor, and/or the proposed mortgagor if the latter is known at the time of application.

Date (mm/dd/yyyy) 11-14-2014

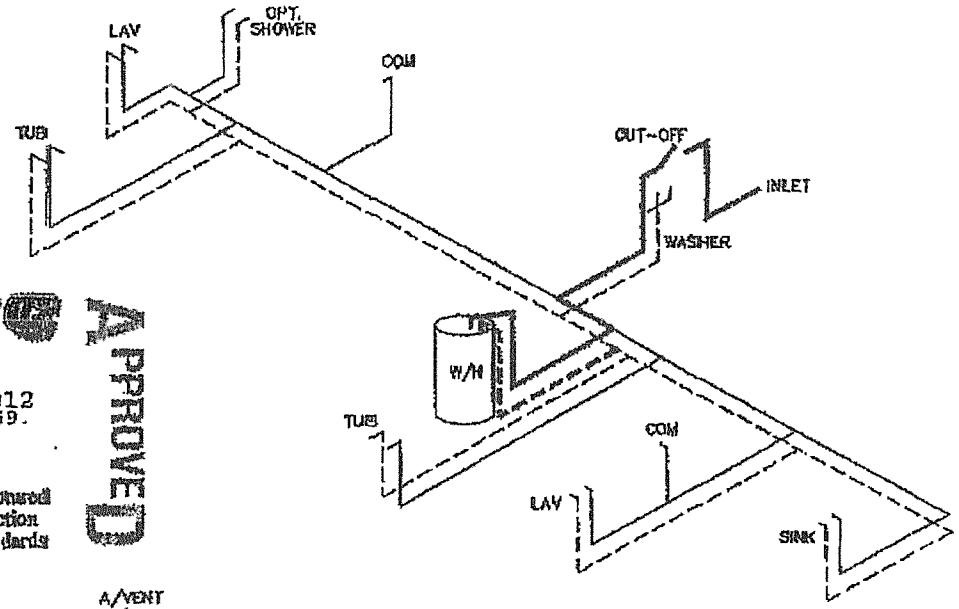
Signature _____

Signature Annette Eatmon

11/08/2015 20:00 (FAX) P.021/033



OPT. M-BATH



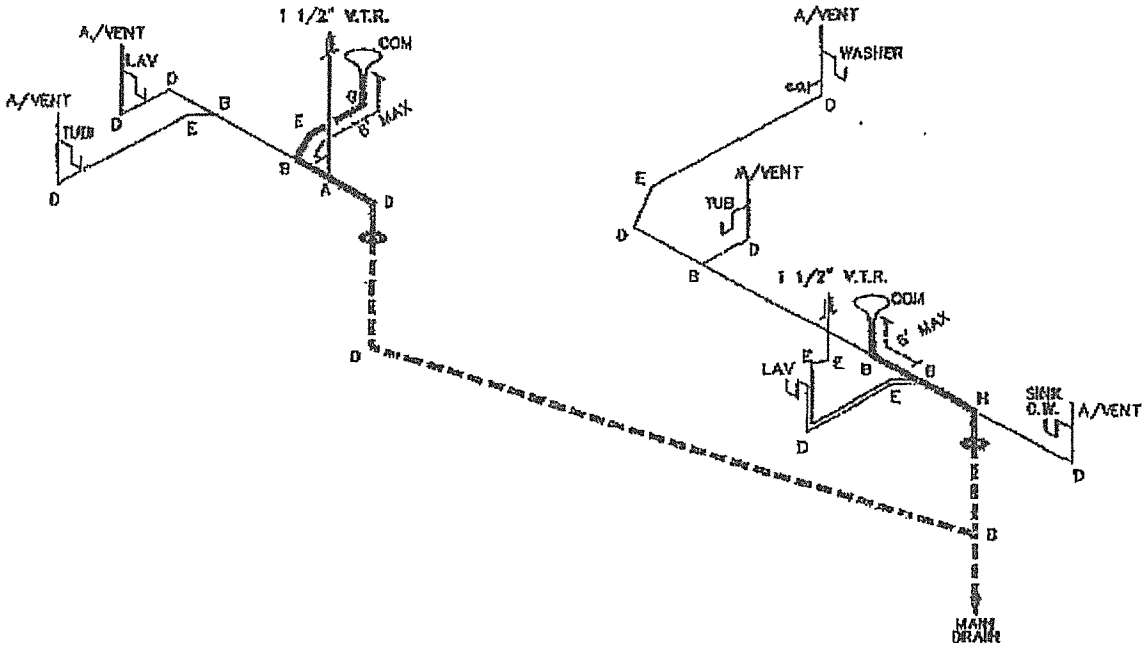
APPROVED

HVC

APR 12 2012
FP-28-3859.

Federal Manufactured Home Construction And Safety Standards

APPROVED

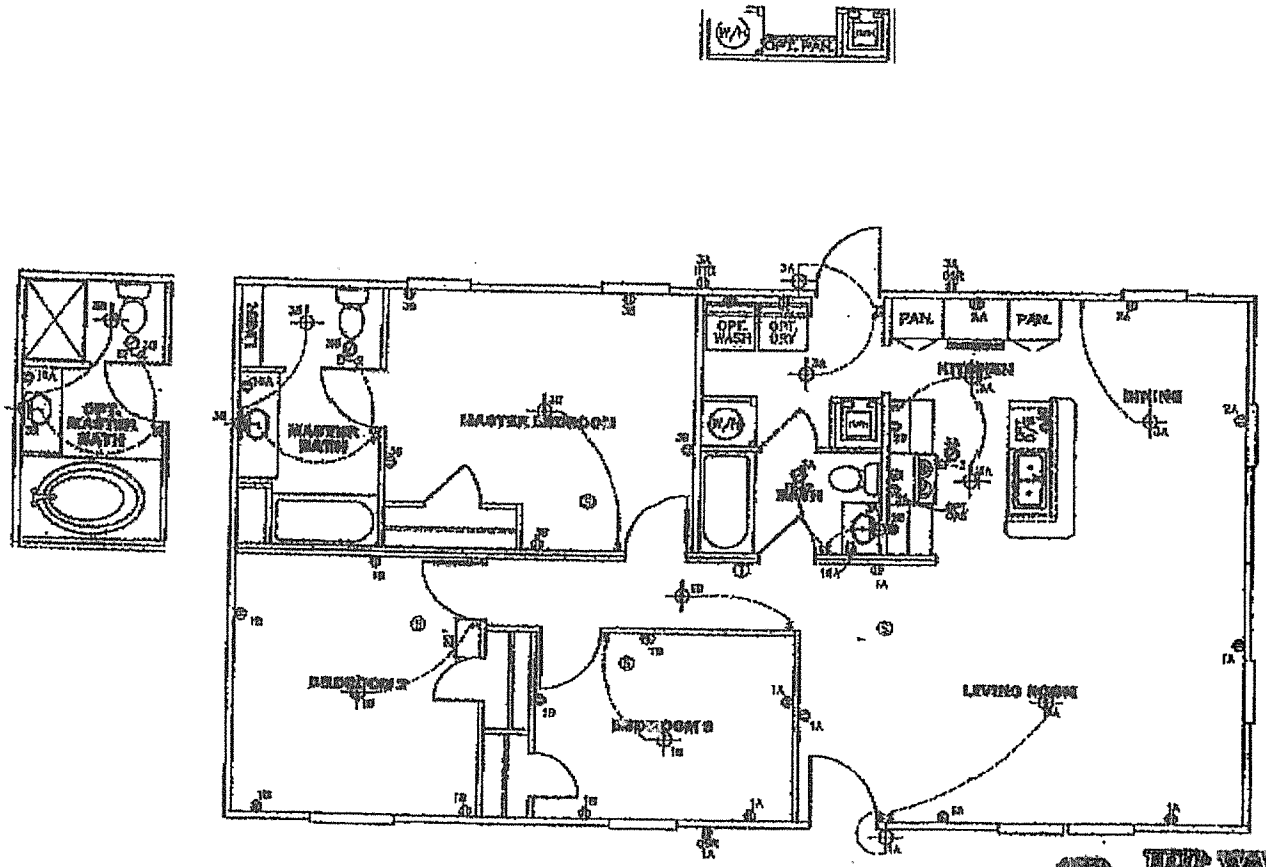


1,264 SQ.FT. (STD PLAN "CONDITIONED")
N/A SQ.FT. (W/OPT. PORCH/RECESS "CONDITIONED")

CMH	Model# RY28484A	Drawing #	
	Date 11/3	Scale NTS	28M079
Floor Construction Marking	28 x 48 Key Stone		

D.W.V. and Supply Lines

11/08/2015 20:00



NOTES:

1. ALL CIRCUITS SHOWN ARE FOR REFERENCE AND MAY BE CHANGED BASED ON OPTIONAL COMPONENTS INSTALLED IN THE HOME.
2. REFER TO EL SECTION OF THE DAPIA FOR SYMBOL CHART.
3. EITHER LIGHT OR RECEPTACLE MUST CONNECT TO SWITCH.
4. EF-1= 50 CFM EXHAUST FAN REQUIRED FOR THERMAL ZONE III THERMAL ZONES I & II MAY USE FAN OR WINDOW W/1.5 SQ. FT. OPENABLE GLASS.
5. EF-2= 50 CFM EXHAUST FAN REQUIRED THERMAL ZONE I, II, AND III.
6. EF-3= 100 CFM RANGE EXHAUST FAN, SWITCH AT HOOD.
7. EF-4= WHOLE HOUSE VENTILATION FAN REQUIREMENTS IN S-MV-10 & 10A OR M-MV-11 & 11A OF DAPIA.
8. REFER TO EL SECTION OF THE DAPIA OR THE MFG. INSTALLATION INSTRUCTIONS FOR PROPER WIRE SIZE AND BREAKER SIZE FOR SPECIFIC APPLIANCE AND MODEL BEING INSTALLED.
9. ALL SMOKE ALARMS TO BE LOCATED ON THE CEILING.
10. DIMENSIONS SHOWN ON PRINT ARE APPROXIMATE AND TO BE USED ONLY AS A GUIDELINE.

CIRCUIT	CIRCUIT #	WIRE	BREAKER
LIGHTS/RECEP	1A,1B,3A,,3B	14-2	15-SP
KITCHEN	2A,2B	12-2	20-SP
WASHER	12A	12-2	20-SP
DRYER	6A,7B	SEE NOTE #4	

CIRCUIT	CIRCUIT #	WIRE	BREAKER
WATER HEATER	4A,4B	SEE NOTE #8	
RANGE	5B,7A	SEE NOTE #8	
FURNACE	8A,8A,9,10A,B	SEE NOTE #8	
OPT D/WASH	9A	SEE NOTE #8	
SMOKE ALARM	AB	SEE NOTE #8	

CIRCUIT	CIRCUIT #	WIRE	BREAKER
BATHROOM	16A	12-2	20-SP
OPT D/DISP	9B	SEE NOTE #8	
OPT SPOT/ GARAGE	11A,B	SEE NOTE #8	
FREEZER	13A	SEE NOTE #8	

APPROVED IRWG APPROVED

APR 12 2012
FP-28-3859.

Federal Manufactured Home Construction And Safety Standards

1,284 SQ.FT. (STD PLAN "CONDITIONED")
N/A SQ.FT. (W/OPT. PORCH/RECESS "CONDITIONED")

CMH	Model # KY28483A	Drawing #
	Serial No's	Date MFG 2BMO78
Floor Plan Orientation: Marriage	28 x 48 Key Stone	

ELECTRICAL PLAN-06

(FAX) P.022/033

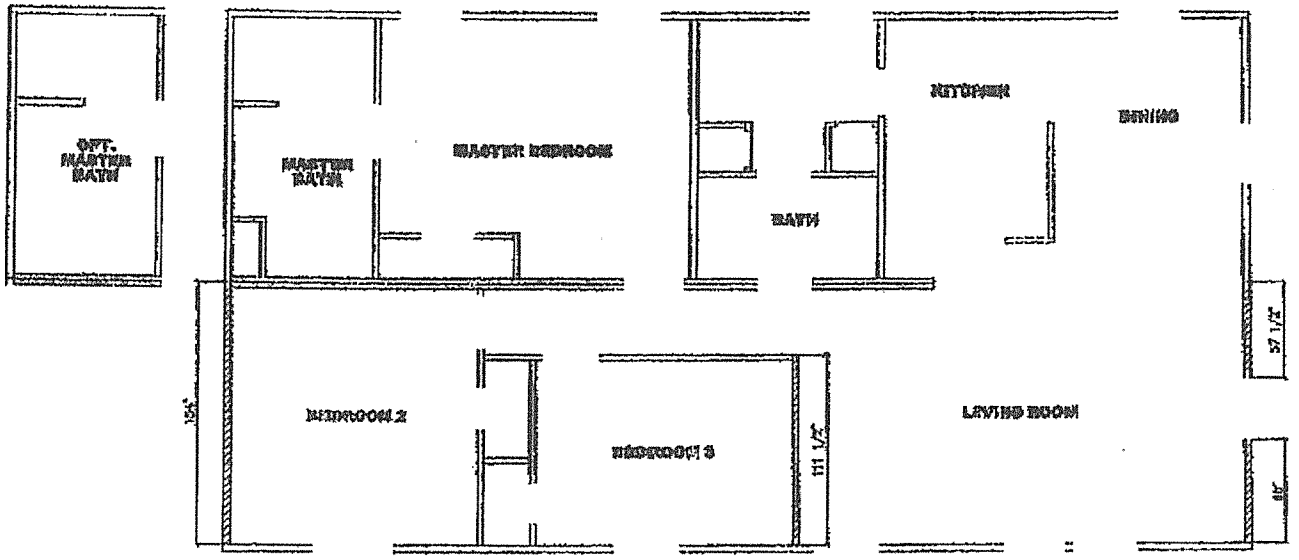
GENERAL NO.
WIND ZONE I = 16 ASF
WIND ZONE II = 100 MPH
WIND ZONE III = 110 MPH
F-BEAM SPACING = 96.0"
REAR WIDTH = 152"

APPROVED HWC APPROVED

APR 12 2012
FP-28-3859.

Federal Manufactured Home Construction And Safety Standards

WIND ZONE I, II & III: ROOF DECKING DIAPHR/ SHEARWALLS



SHEARWALL #1
ZONE I = 302 PLF
SPAN = 0.00 ft.
# JOISTS = 2
# LAGS = 2
ZONE II = 415 PLF
SPAN = 0.00 ft.
# JOISTS = 2
# LAGS = 6
ZONE III = 493 PLF
SPAN = 0.00 ft.
# JOISTS = 2
# LAGS = 8

WIND ZONE III ONLY
SHEARWALL #2
ZONE III = 515 PLF
SPAN = 26.71 ft.
# JOISTS = 2
# LAGS = 4

SHEARWALL #3
ZONE I = 199 PLF
SPAN = 48.00 ft.
# JOISTS = 1
# LAGS = 3
ZONE II = 415 PLF
SPAN = 48.00 ft.
# JOISTS = 1
# LAGS = 6
ZONE III = 183 PLF
SPAN = 29.33 ft.
# JOISTS = 1
# LAGS = 3

1,264 SQ.FT. (STD PLAN "CONDITIONED")
N/A SQ.FT. (W/OPT. PORCH/RECESS "CONDITIONED")

CMH MANUFACTURING	Model #: KEY28-40BA	Drawing #: 29M079
	Designed in:	Scale: NTS
Product Description: Hatteras	28 x 48 Key Stone	

SHEARWALL PAGE

11/08/2015 20:01 (FAX) P.023/033

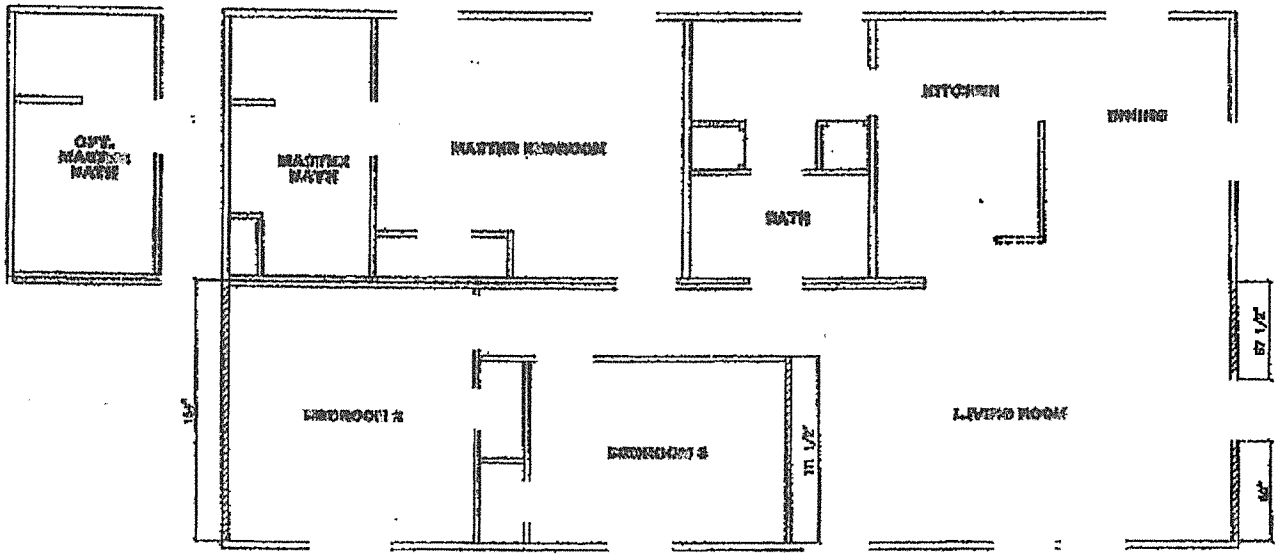
GENERAL NO.
WIND ZONE I = 70 MPH
WIND ZONE II = 100 MPH
WIND ZONE III = 110 MPH
I-BEAM SPACING = 60.8"
FLOOR WIDTH = 168"

APPROVED HWC APPROVED

APR 12 2012
FP-28-3859.

Federal Manufactured Home Construction And Safety Standards

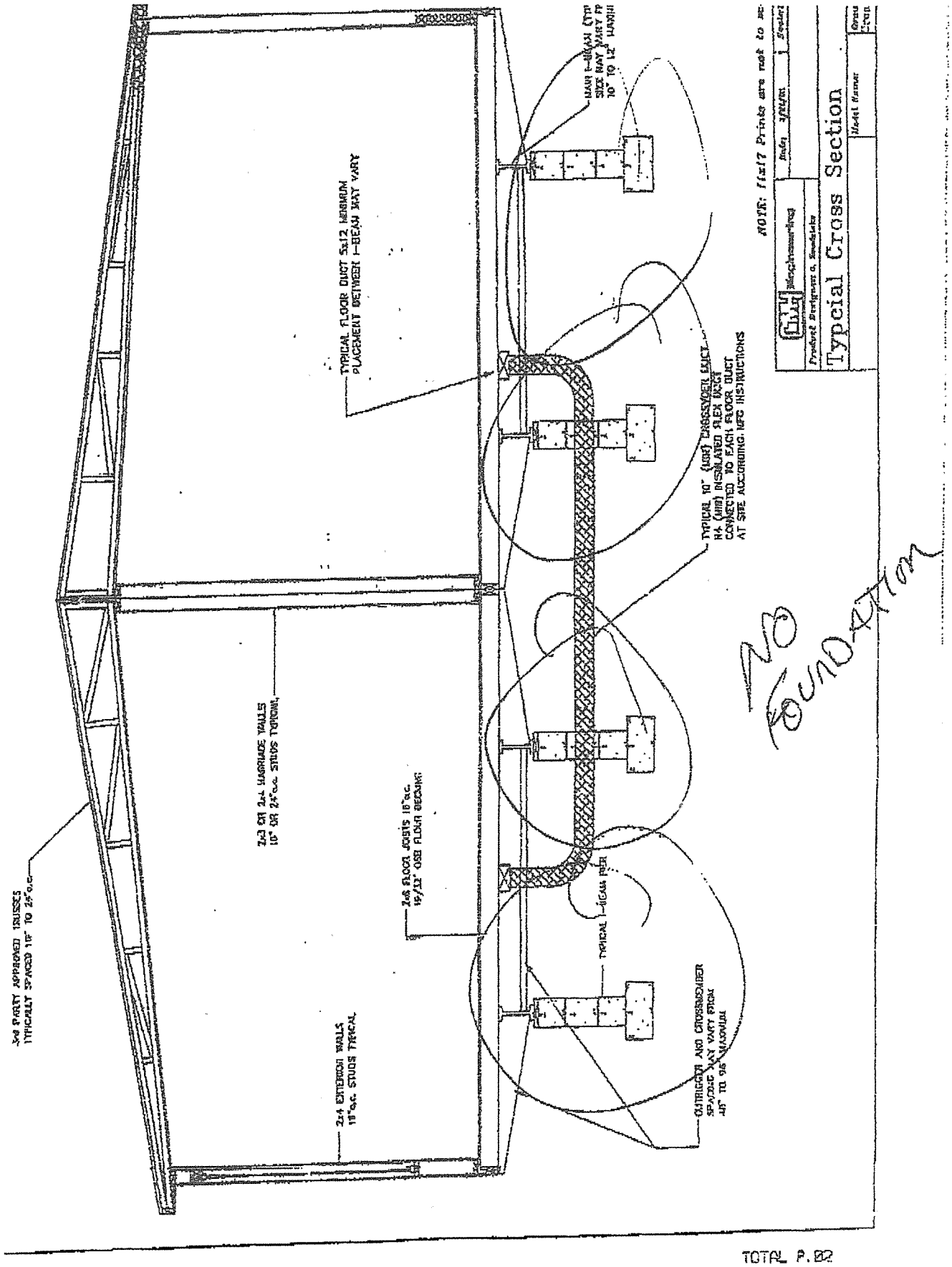
WIND ZONE I, II & III: ROOF DECKING DIAPHR SHEARWALLS

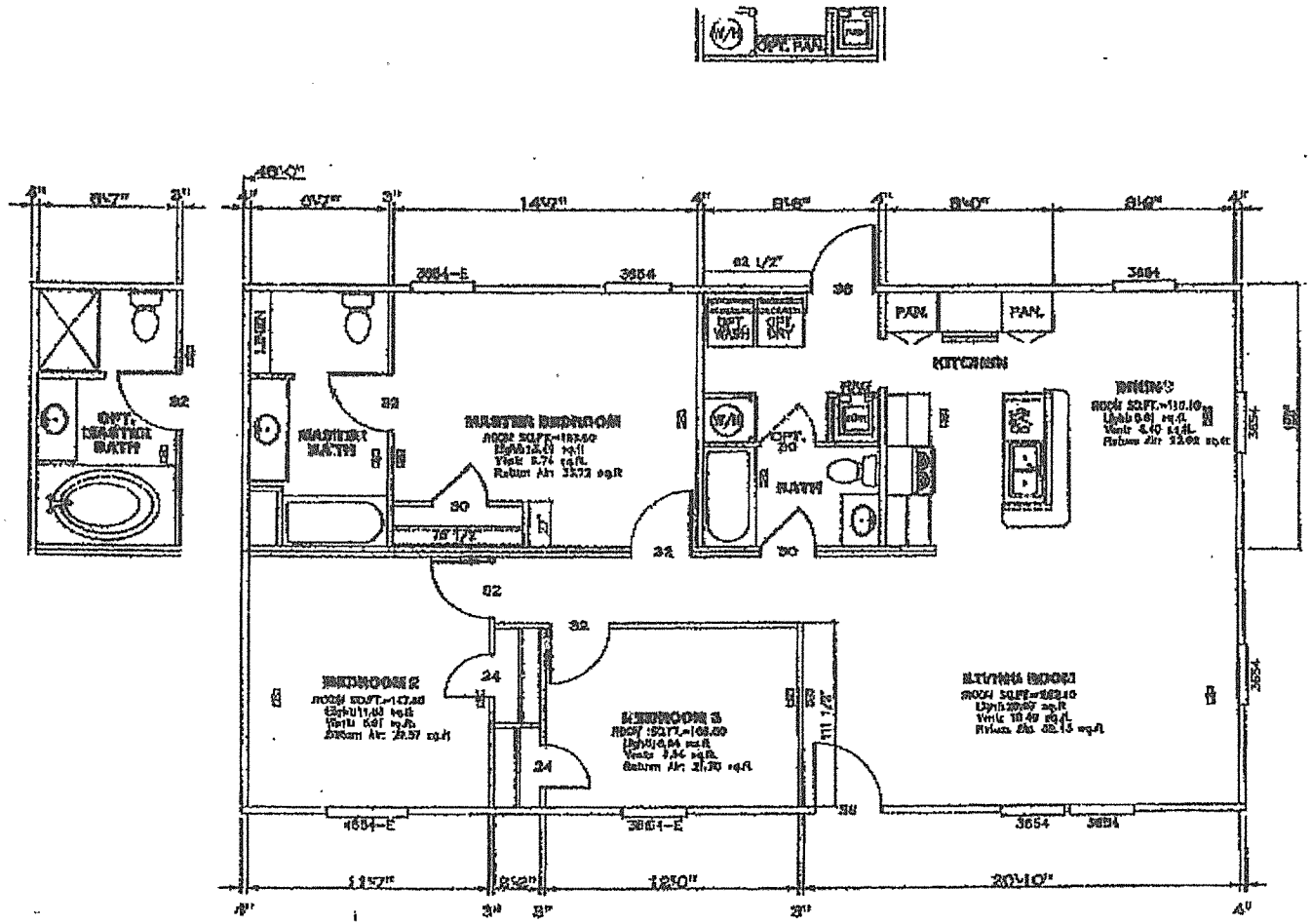


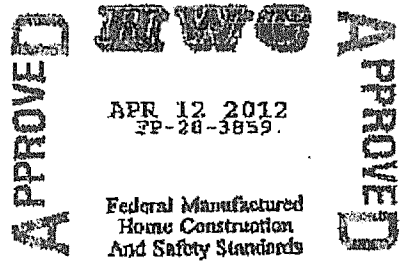
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N/A SQ.FT. (W/OPT. PORCH/RECESS "CONDITIONED")

CMH	Model#: KEY28403A	Drawing #: 29h3075
Product Designer: Hawaii	28 x 48 Key Stone	

SHEARWALL PAGE


TYPICAL FLOOR DUCT 5x12 MINIMUM
PLACEMENT BETWEEN I-BEAM MAY VARY
2x3 OR 2x4 MARRIAGE WALLS
16" OR 24" o.c. STUDS TYPICAL
2x6 FLOOR JOISTS 16" o.c.
19/32" OSB FLOOR DECKING
2x4 EXTERIOR WALLS
16" o.c. STUDS TYPICAL
TYPICAL I-BEAM PER
CANTILEVER AND CROSSMEMBER
SPACING MAY VARY FROM
48" TO 96" MAXIMUM
TYPICAL 10" (MIN) CROSSOVER DUCT
W/4 (MIN) INSULATED FLEX DUCT
CONNECTED TO EACH FLOOR DUCT
AT SITE ACCORDING MFG INSTRUCTIONS
NOTE: Field Prints are not to sc
Typical Cross Section
No Foundation

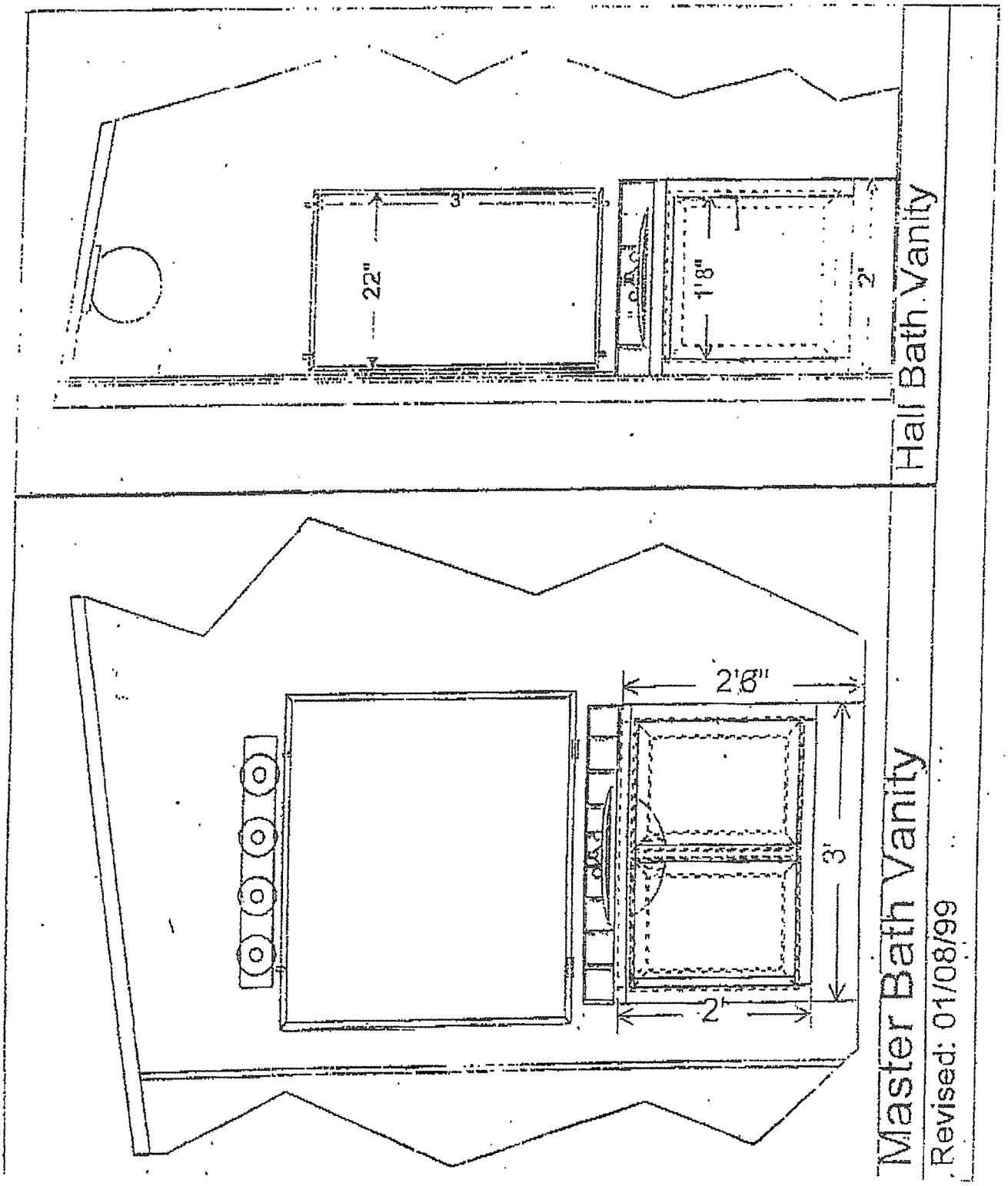




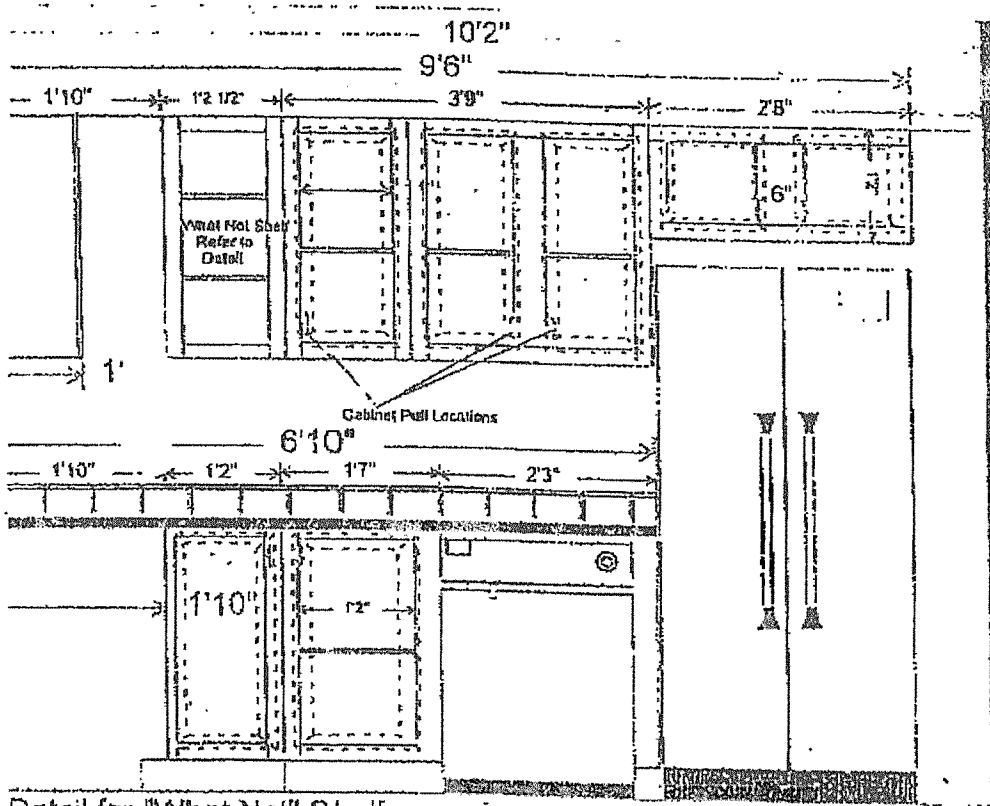
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N/A SQ.FT. (W/OPT. PORCH/RECESS "CONDITIONED")

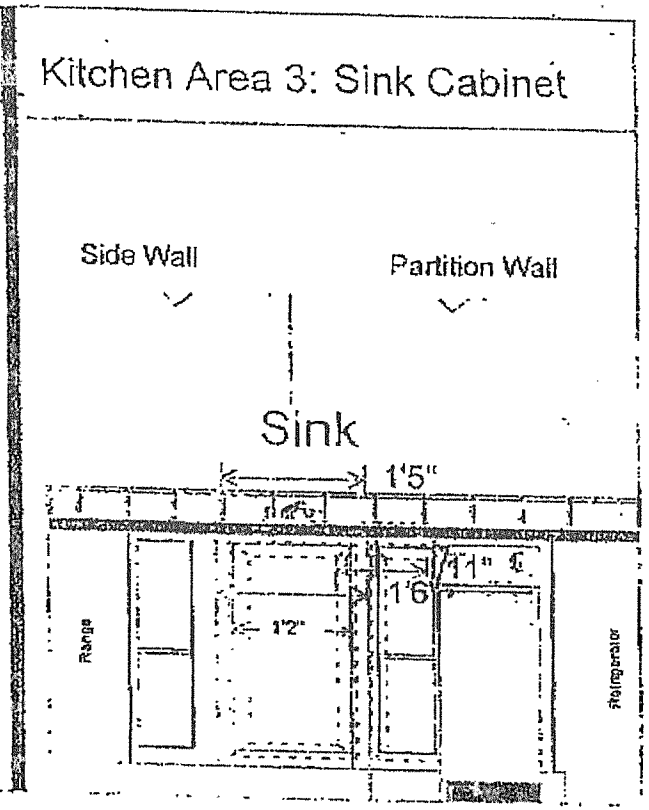
CMH MANUFACTURING	Model No. KEY28-483A	Drawing # 2S1407B
Trusted Designer Pricing	28 x 48 Key Stone	

FLOOR PLAN

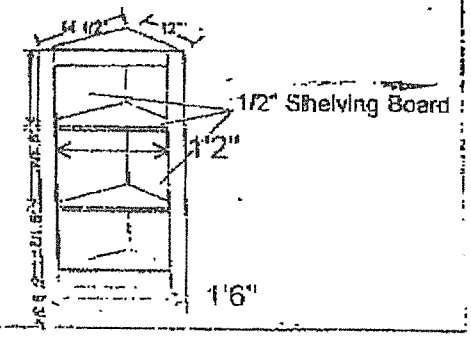

Hall Bath Vanity
3'
22"
1'8"
2'
Master Bath Vanity
2'6"
3'
2'
Revised: 01/08/99

Kitchen Area 2: Refrigerator Cabinets





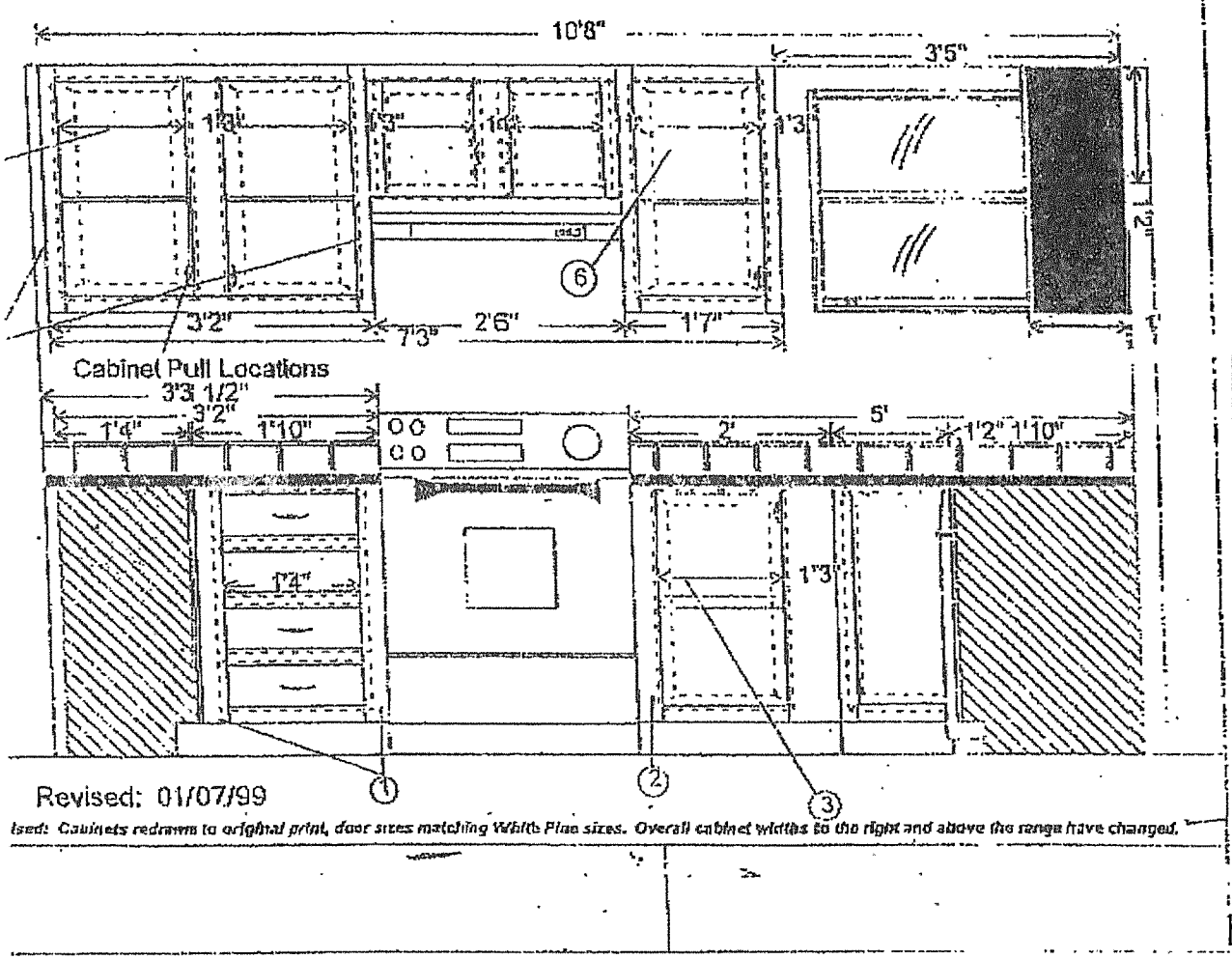
Detail for "What Not" Shelf

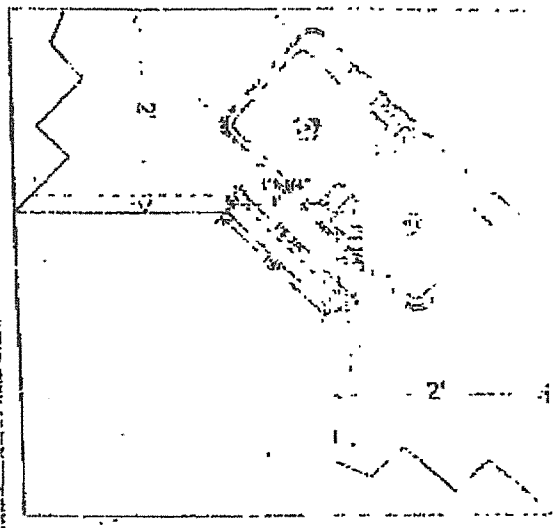


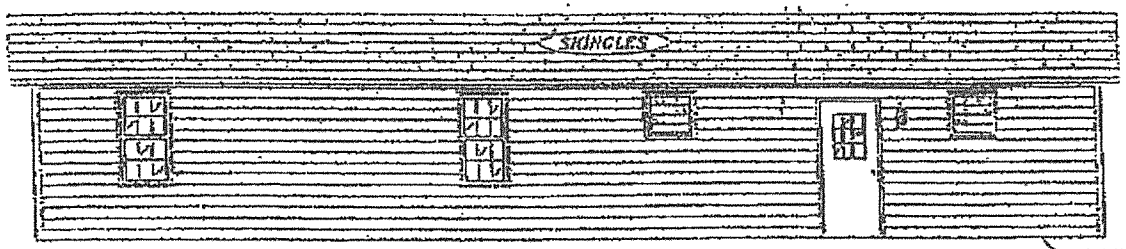
Revised: 01/08/99

11/08/2015 20:02 (FAX) P.028/033

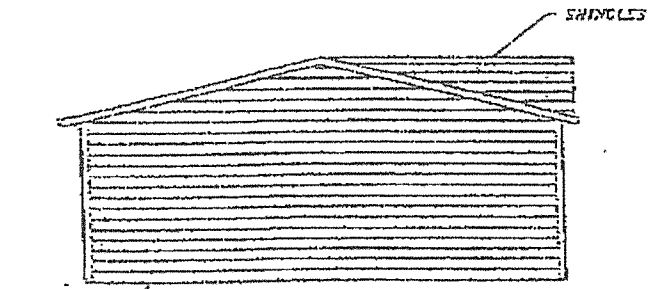
Kitchen Area 1: Range Cabinets



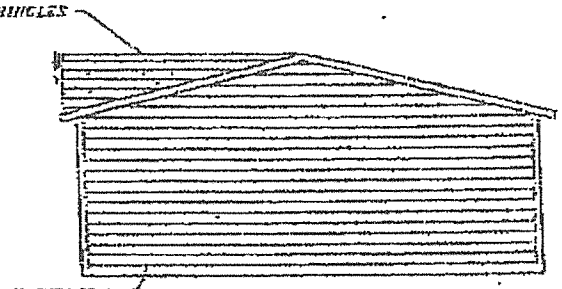




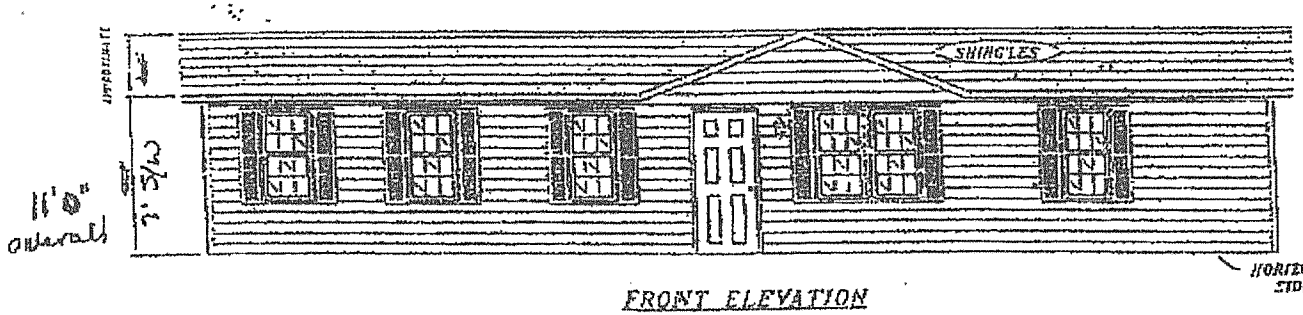
REAR ELEVATION



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION



FRONT ELEVATION

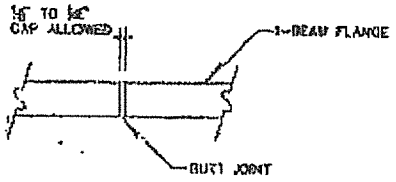
CLAYTON HOMES

SCALE: 1/4"=1'-0"	DRAWN BY:
DATE: 9/29/98	JOB NO:

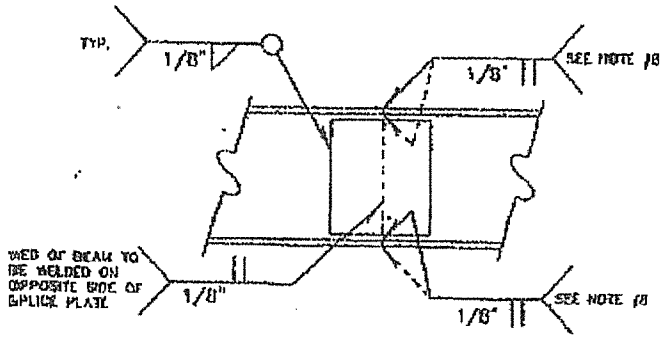
MODEL NO. | SERIAL NO.

BEAM SIZE	ROLLED lbs/ft. 36 ksi	WELDED lbs/ft 45 ksi
8"	6.5	6.2
10"	8.0	7.5
12"	10.8	9.6

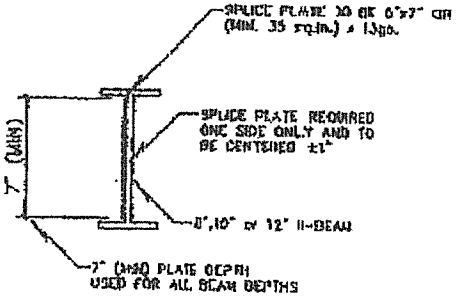
MINIMUM I-BEAM SPECIFICATIONS



TOP VIEW



SIDE VIEW



END VIEW

MAIN I-BEAM SPLICE CONNECTIONS

Ref. Calc #:
Ref. CCI #: 12.0
Wind Zone Approval:
Wind Zone I @ 85 psf
Wind Zone II @ 100 mph
Wind Zone III @ 110 mph

General Notes

MAIN I-BEAM NOTES:

1. For all other frame components refer to the index of this section S-CH-INDEX
2. Main I-beam spacings will vary based on floor system application used. Typical spacings used are 85¼" center to center and 99¼" center to center.
3. The main I-beam spacing may have a ±¼" tolerance.
4. All steel to be 36 ksi ASTM A 36 or better. With exception to Welded beams, they must be 45 ksi (min).
5. Center axle/or cantilever may be moved as necessary.

MAIN I-BEAM SPLICE NOTES:

6. Main I-beam splice may occur more than one time per I-beam.
7. Dashed weld leaders indicate an alternate weld location. This location can be used in place of that one shown.
8. Weld may be ⅛" depending on gap. Weld may be on, top or bottom of flange.
9. For modified I-beam splice connection see detail S-F1-4F.

M.H.I.I. Approval Seal

REVISED
DEC 7 1998
Federal Mobile Home Construction and Safety Standards

Manufacturing

TITLE: Main I-Beam Specifications

Date: 3/10/98 Dwg #: S-CH-4 Rev 11/17/98 dsp

1 INCORPORATE CHANGE
Added note #8 to the main I-beam splice notes.

M.H.I.I. APPROVAL #:

11/08/2015 20:03 (FAX) P.031/033

SP-D-98

APPROVED
MAR 22 1996
Oxford 929
Roof Pitch
24 wide 3.4/12
32 wide 2.5/12
90"
39"
24 WIDE
32 WIDE
136"
184"

Clayton homes

THIS SCOPE OF WORK dated this 22 day of October, 2015, outlines what CMH homes Inc. DBA. Clayton Homes of Dover, the "Builder", has obligation to purchaser of 823 E. Loockerman Street, Dover, DE 19901, Tax parcel number ED-05-077.06-02.55.00-000

1. FOUNDATION. Builder is under contract to purchaser to install a block wall around the perimeter of the home, size 28 feet width by 48 feet length.
2. PORCH. Builder is under contract to purchaser to install 8ft porch with vinyl rails. The porch extension on the front will complete the overall length to 56 feet.
3. SIDING. Vinyl Siding will be completed onsite
4. ROOF. Asphalt Shingled roof will be completed on site
5. DRIVEWAY. Asphalt or Concrete driveway to be installed
6. TITLE. Title to home will be Class "C" Retired

Kara Prince, General Manager

Clayton Homes of Dover

EFiled: Feb 19 2016 12:19PM EST
Transaction ID 58598856
Case No. 11741-VCN

EXHIBIT "C"

C1-C8

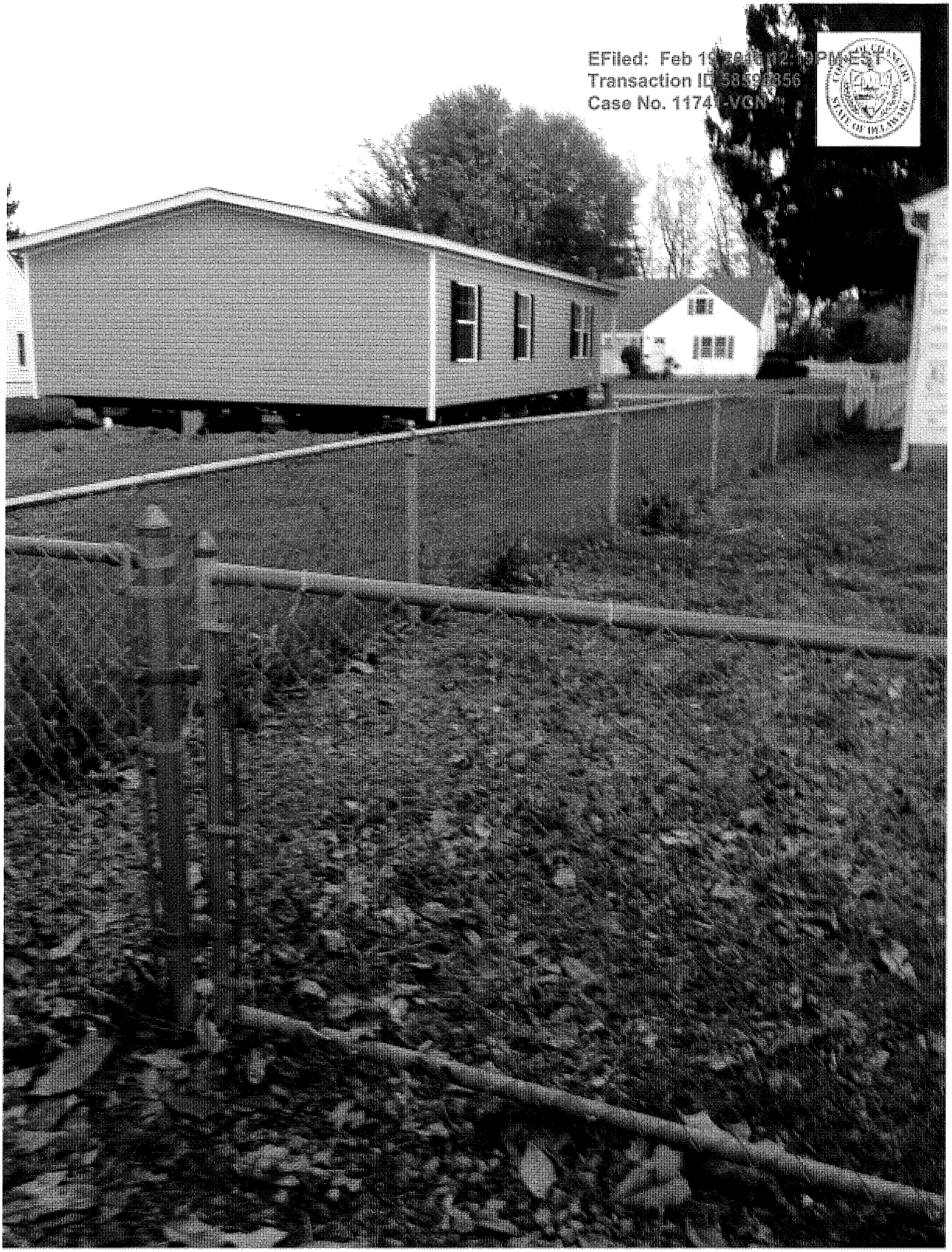

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Transaction ID [illegible]
Case No. 1174-[illegible]



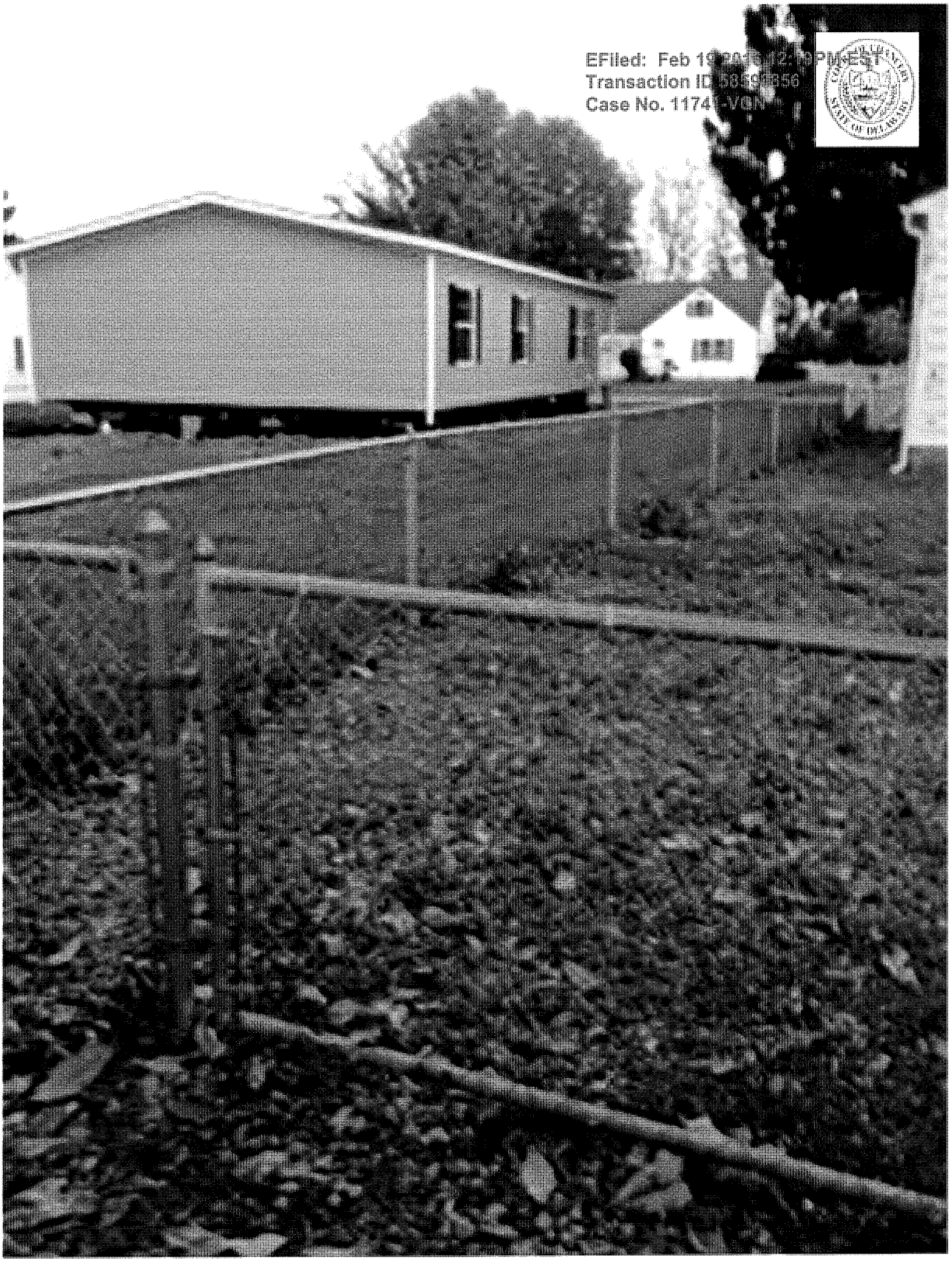

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Transaction ID 58599356
Case No. 11741-VCN



EFiled: Feb 19 2016 12:19PM EST
Transaction ID 58598856
Case No. 11741-VCN

EXHIBIT "D"

McDowell, Traci

From: Townshend, Ann Marie
Sent: Monday, October 26, 2015 1:19 PM
To: City Clerks Office
Subject: Fwd: Manufactured Homes in Single Family Residential Zones

Ann Marie Townshend

Sent from my iPhone

Begin forwarded message:

From: William Pepper <wpepper@schmittrod.com>
Date: October 26, 2015 at 1:15:22 PM EDT
To: "Townshend, Ann Marie" <ATownshend@dover.de.us>
Cc: "Koenig, Scott" <SKoenig@dover.de.us>, "Melson-Williams, Dawn" <DMelson@dover.de.us>, "nrodriguez@schmittrod.com" <nrodriguez@schmittrod.com>
Subject: Re: Manufactured Homes in Single Family Residential Zones

Ann Marie,

The definition of "mobile home" in §66-1 states: "The term 'mobile home' shall not include a single-family dwelling which is designed to be placed on a permanent foundation, is not designed to be readily movable after the original occupancy as a single-family dwelling, and conforms to the city's building, plumbing, electrical and housing codes." The home currently under construction appears to be a single-family dwelling. The workers appeared to be preparing to lay the blocks for a permanent foundation when we drove by this morning. It does not appear that it will be readily movable after the owners move in. The home appears to comply with the referenced codes. Therefore, the single-family dwelling being placed on East Loockerman Street is not a mobile home.

The wrinkle is that Chapter 66 also contains a definition of permanently placed mobile home which purports to pull the structures excluded from the definition of mobile home back into the definition of mobile for the purpose of zoning. Section 66-3, entitled real property taxes, purports to allow permanently placed mobile homes only in the MPH zone. The problem with using Chapter 66 is that it is not in the zoning code and section 66-3 is labeled as a taxation section. It is not at all clear that the 1986 amendment was referred to the Planning Commission as is required for zoning ordinances. See Appendix B, Article 10, §5.

The timeline for the ordinances in play is not clear from the materials I have at my disposal. Chapter 66 was adopted to the Code of Ordinances in 1970. A change was made to 66-1 and 66-3 was added by an ordinance adopted on November 10, 1986. It seems that the 1986 ordinance was designed to give favorable tax treatment to these types of homes. Article 3, section 1 is the one-family residence zone section of the zoning code; it has been amended five times since May 1990. Article 12 is the definitions section of the zoning code; it has been amended numerous

times over the years. Legislators are presumed to be aware of the then-current state of the law when they amend the Code.

With respect to the home on East Loockerman Street, the owners' rights have vested. They have secured a building permit. They ordered the home. The home has been delivered and is in the process of being placed on a permanent foundation. The City is estopped from reversing its position at this point.

If Council wishes to prevent the future placement of such homes in the one-family residence zones, it must amend Article 3, section 1. I have not consider whether such action would run afoul of the Fair Housing Act.

William W. Pepper Sr., Esquire
Schmittinger and Rodriguez, P.A.
414 South State Street
P.O. Box 497
Dover DE 19903
302.674.0140
302.678.6585 Fax
wpepper@schmittrod.com

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New IRS Rules restrict written federal tax advice from lawyers and accountants. This statement is included in all outbound emails as even inadvertent violations may be penalized. Nothing in this communication is intended to be used, or may be used, to avoid any penalty under federal tax laws. This communication was not written to support the promotion or marketing of any transaction. Please contact the sender if you wish to engage Schmittinger & Rodriguez, P.A., to provide formal written advice as to tax issues.

On Oct 26, 2015, at 12:00 PM, Townshend, Ann Marie wrote:

Bill,

Does anything in Chapter 66 change your read on this?

Ann Marie Townshend, AICP
Director Planning & Community Development
Department of Planning & Inspections
Department of Parks and Recreation
(302) 736-7196 Phone
(302) 736-4217 FAX

From: William Pepper [mailto:wpepper@schmittrod.com]
Sent: Thursday, October 22, 2015 3:39 PM

To: Townshend, Ann Marie
Cc: Koenig, Scott; Melson-Williams, Dawn
Subject: Re: Manufactured Homes in Single Family Residential Zones

Ann Marie,

I concur that the zoning ordinance gives you no basis to prevent the installation of the manufactured home. It is a one-family detached dwelling and therefore a permitted use in the one-family residence zone.

Attempting to prohibit manufactured homes will lead you to a slippery slope. The qualitative differences between stick-built, modular and manufactured housing continues to narrow. One might argue that a poorly-designed, poorly-constructed stick-built home adversely affects housing values more than a modern manufactured home. However, that is a policy decision made above my pay-grade,

William W. Pepper Sr., Esquire
Schmittinger and Rodriguez, P.A.
414 South State Street
P.O. Box 497
Dover DE 19903
302.674.0140
302.678.6585 Fax
wpepper@schmittrod.com

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New IRS Rules restrict written federal tax advice from lawyers and accountants. This statement is included in all outbound emails as even inadvertent violations may be penalized. Nothing in this communication is intended to be used, or may be used, to avoid any penalty under federal tax laws. This communication was not written to support the promotion or marketing of any transaction. Please contact the sender if you wish to engage Schmittinger & Rodriguez, P.A., to provide formal written advice as to tax issues.

On Oct 22, 2015, at 12:06 PM, Townshend, Ann Marie wrote:

Bill,

As we discussed, there is a manufactured home under construction on East Loockerman Street that has caused quite a stir. In reviewing the permit, the home is a double wide manufactured home to be placed on a permanent, solid foundation. In reviewing the permit application, staff was working with the understanding that there is nothing in the Zoning Ordinance that prohibits the placement of manufactured homes in the one family residence zones.

As we discussed, based on the following definitions do not allow us the latitude to deny a permit for a manufactured home within these zones.

Dwelling, one-family: A dwelling unit designed and intended for use by only one family

Dwelling unit: A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit. A boarding[house] or roominghouse, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging, nursing, or other similar home, house trailer, or other similar structures or vehicles shall not be deemed to constitute a dwelling unit.

Dwelling, detached: A dwelling having no walls in common with other dwellings or with nonresidential uses.

The contention being made is that this style of housing will adversely affect the housing values in the neighborhood and that we should not allow them. Do you concur that the code does not provide me the jurisdiction to deny this type of housing?

If you concur, I believe the next step is to do some research to add provisions to the Zoning Ordinance to address this.

Thank you!

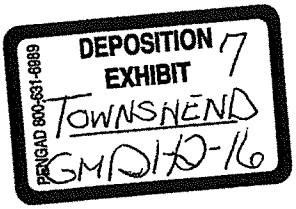
Ann Marie Townshend, AICP
Director Planning & Community Development
Department of Planning & Inspections
Department of Parks and Recreation
(302) 736-7196 Phone
(302) 736-4217 FAX

<winmail.dat>

EFiled: Feb 19 2016 12:19PM EST
Transaction ID 58598856
Case No. 11741-VCN

EXHIBIT "E"

City of Dover



April 1, 2014
Andy Whitescarver
RE/MAX
1198 S Governor's Ave, #101
Dover, DE 19904

Dear Mr. Whitescarver:

This letter is written in response to your request dated March 31, 2014 for zoning certification to determine whether the subject site is appropriately zoned for the intended use, and permits the siting of a double-wide mobile home.

This Department has determined the following information to be correct to the best of our knowledge.

Current Use:	Vacant parcel
Proposed Use:	Single Family Residence, (double-wide mobile home)
Addresses:	823 E Loockerman St, Dover, DE 19901
Tax Parcel:	ED-05-077.06-02-55.00-000
Zoning:	R-8 (One Family Residence Zone)
Owners:	Marango, Joseph M and Edith R

The R-8 (One Family Residence Zone) Zoning District in the City of Dover permits the following uses: the raising of field crops, vineyards and orchard farming, the maintenance of nurseries, and the seasonal sale of the products thereof, provided no building is erected and signs conform with Article 5 Section 4; one family detached dwellings, not to exceed one such dwelling per lot; public buildings, structures and uses, including parks and playgrounds, subject to approval of site plans by the Planning Commission in accordance with Article 10 Section 2. The proposed use of the property as single family residence would be considered a permitted use by this office. The listing of permitted uses is given in the City of Dover *Zoning Ordinance* Article 3 Section 1 and referenced sections. The *Zoning Ordinance* is available through the City's website www.cityofdover.com and following the Municipal Code link.

Article 4, Section 4.1 Lists the following lot minimums for a building lot in an R-8 district:

- Front yard setback is 25 ft.
- Side yard setback is 10 ft.
- Total side yard setback is 20 ft.
- Rear yard setback is 30 ft.
- Maximum number of stories is 2½.
- Maximum height is 35 ft.
- Maximum lot coverage is 35%. Lot coverage includes all impervious surfaces (footprint of house, driveway, sidewalk (from driveway to house), shed, gazebo, etc.).
- Minimum lot width is 70 ft.
- Minimum lot depth is 100 ft.

- Minimum lot area is 8,000 SF.
- Two (2) off street parking spaces are required. The minimum driveway width is 9 feet.
- A cornice, cantilevered roof or chimney may project not more than 2½ feet into the required setbacks. Other ornamental features (windowsills, belt courses, etc.) may project not more than 6 inches into the required setbacks.
- Steps, sidewalks, etc. (other than such as needed for access to the house) shall not project within 15 feet of the street of 4 feet of the property line.
- A porch (roofed over but unenclosed) not more than 8 feet wide and 6 feet deep may project into the front yard setback.
- A Building Permit is required for the construction of a new single family residence. A Certificate of Occupancy is also required for the new residence. Impact fees may be incurred; however, there may be a credit from the previous house that was demolished.
- A Rental Dwelling Permit is required for each rental property.

We do not have a plot survey indicating the precise dimensions of the lot. It appears that the lot may be less than the 70' minimum width for an R-8 lot. If this is correct then the property would be considered legal non-conforming with regards to lot width.

The *Zoning Ordinance* has a provision for small lots existing prior to November 27, 1971 to allow use as single family residence and may have reduced side yard setbacks. In an R-8 zone, if the total lot with is greater than 50', but less than 60', the side yard setback could be 5 feet with a total side yard setback of 15 feet. This information would need to be verified from a survey prior to the allowance of the reduced side yard setbacks (Article 5 Section 1.6).

If the lot is less than 70' wide, but greater than 60', it may be possible to apply for an area variance in certain circumstances through the Board of Adjustment pursuant to Article 9 Section 3 of the *Zoning Ordinance*. This process requires public notification and a public hearing, and applicants should arrange a pre-application meeting with Department of Planning staff before starting the application process. There is also an application fee.

Regarding your question about the construction of a double-wide mobile home, the *Zoning Ordinance* does not specifically permit or prohibit such a dwelling in an R-8 district if it has a permanent foundation. Lot setbacks and other site regulations would apply. The site would also require connection to City water and sewer service, as well as a permit for a driveway curb cut. Contact Public Works for more information at 302-736-4217. Any structure would additionally be subject to building permits and inspection.

If there are any further questions, please do not hesitate to contact this office during normal business hours at (302) 736-7196.

Sincerely,
Department of Planning and Inspections
William T. Cook
Bill Cook
Planner I

EFiled: Feb 19 2016 12:19PM EST
Transaction ID 58598856
Case No. 11741-VCN

EXHIBIT "G"



Townshend, Ann Marie

From: Christiansen, Robin
Sent: Thursday, December 10, 2015 12:44 PM
To: Townshend, Ann Marie
Subject: Re: E. Loockerman Street

Ann Marie, I am quite well aware of that , however I don't think everyone is aware of that fact . Robin

Robin R. Christiansen
Mayor, City of Dover

Sent from my iPhone

On Dec 10, 2015, at 12:29 PM, Townshend, Ann Marie <ATownshend@dover.de.us> wrote:

> The TRO conference was not held until this past Monday. Until something happens in court, we are obligated to proceed as we otherwise would. [redacted]
>
> Ann Marie Townshend, AICP
> Director Planning & Community Development
> Department of Planning & Inspections
> Department of Parks and Recreation
> (302) 736-7196 Phone
> (302) 736-4217 FAX
>
> **From:** Christiansen, Robin
> **Sent:** Thursday, December 10, 2015 11:47 AM
> **To:** Townshend, Ann Marie
> **Subject:** Re: 4 Mifflin Road
>
> Thanks, with the litigation pending why was is CO issued? Heads up. This may be an issue with some members of Council and they may become very vocal. Be prepared. Robin
>
> Robin R. Christiansen
> Mayor, City of Dover
>
> Sent from my iPhone
>
> On Dec 10, 2015, at 11:27 AM, Townshend, Ann Marie <ATownshend@dover.de.us> wrote:
>
> > I was noticing this house this morning. We had a case in the past, but there was some stuff cleaned up. The owner claimed to live there. I will have code enforcement review where we have been with this and move it forward.

A CO was issued for 823 E. Loockerman Street on 12/2. I believe the homeowner moved in over the weekend. As this is a matter of pending litigation, no city official should be discussing the matter with the residents or any party outside of the City organization.

Haven't read the paper yet, but will make sure I do.

Ann Marie Townshend, AICP
Director Planning & Community Development
Department of Planning & Inspections
Department of Parks and Recreation
(302) 736-7196 Phone
(302) 736-4217 FAX

From: Christiansen, Robin
Sent: Thursday, December 10, 2015 10:33 AM
To: Townshend, Ann Marie; Slavin, Timothy
Subject: 4 Mifflin Road

Good Morning, just received two calls regarding the above property. I was told that this property has been abandoned for over ten years, with junk cars and the beginning of a bamboo
problem similar to Rodney Road. After the article in today's paper have we or are we planning any action on this property? Also has a Cof O been issued for the property on East Loockerman St.?
Thanks Robin

Robin R. Christiansen
Mayor, City of Dover

Sent from my iPhone

EFiled: Feb 19 2016 12:19PM EST
Transaction ID 58598856
Case No. 11741-VCN

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

GEORGIA HEININGER-TRADER, Individually and on Behalf of All Others Similarly Situated, Plaintiff, v. BETTY J. HENRY, ROBERT D. HENRY, BRENDA REDLICH, CITY OF DOVER and CMH HOMES, INC. Defendants.	C.A. No. 11741-VCN

VERIFICATION OF SECOND AMENDED COMPLAINT AND RULE 23(aa) CERTIFICATION

KENT COUNTY)
) s.s.:
STATE OF DELAWARE)

I, Georgia Heininger-Trader, being duly sworn deposes and says that:

(A) I am the homeowner of the property located at 720 E. Lookerman Street, Dover, Delaware 19901, Plaintiff in the above-entitled action. I read the foregoing Second Amended Complaint and believe it to be true and correct, and the same is true to the best of my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true.

(B) I have not received, been promised or offered and will not accept any form of compensation, directly or indirectly, for prosecuting or serving as a

representative party in the class action except for (i) such damages or other relief as the Court may award such person as a member of the class, (ii) such fees, costs or other payments as the Court expressly approves to be paid to me or on behalf of myself, or (iii) reimbursement, paid by my attorney, of actual and reasonable out-of-pocket expenditures incurred directly in connection with the prosecution of the action.

Georgia Heininger Trader

Sworn to and subscribed before me
on this 18th day of February, 2016.

REBECCA A. SURGUY
My Commission Expires 07-22-2017 State of Delaware
NOTARY PUBLIC

Notary Public
My commission expires: 07-22-2017

EXHIBIT 2A

City of Dover - BUILDING PERMIT APPLICATION

15 Loockerman Plaza ♦ Dover, Delaware 19901 ♦ (302) 736-7010 ♦ FAX (302) 736-4217

Office Use Only
Permit Number 15-1192
Roll Plans / Fold Plans (CD) emailed to Debbie

Project Address/Tax Parcel Identification Number ED-05-077.06-02-55.00-000
823 E. Loockerman St Dover, DE 19901

Applicant's Name
CMH HOMES, INC

Owner Name and Address BETTY J. Henry Phone # 302-735-7964
E-mail address: Robert D. Henry 116 Winding Ridge Rd Dover

Contractor Name and Address CMH HOMES, INC Phone # (302-734-1740
4679 N. DUPONT Hwy DOVER DE 19901 16
E-mail address: R728@claytonhomes.com Dover Business License # 15-00012029

BUILDING DETAILS

Proposed Occupancy 3BR/2BA
Type of Construction Manufactured
Change in Occupancy or Use? Yes or No
If yes, describe the previous use land

Type of work: (✓) New ( ) Addition ( ) Demolition
( ) Renovation – Interior ___ Exterior ___
( ) Roof – tear off ___ overlay ___ # of layers ___
( ) Alteration ( ) Siding ( ) Solar panels
( ) Full Building Demolition ( ) Selective Demolition
( ) Fence - Height ___ ( ) Pool ( ) Elevator
( ) OTHER ___

Number of Stories 1
Total Height in Feet 13ft high
Total Land Area to be Disturbed (in SF) 2500 Sqft
Proposed Occupant Load ___
Square Footage All Floors 1272 sq ft
Total Work Area (in SF) 2500 SF

Description of Work:
New 3 Bedroom, 2 Bath Construction of manufactured home on block foundation

Sprinkler System? Yes or (No)
Fire Alarm System? Yes or No

Estimated Value of Construction: $146,102.00

Review Approvals

	Date	Initials
(✓) Building Plan	9/9	
(✓) Fire Plan	9/9	
(✓) Zoning / Site Plan	9/21	

Total Fee 1193.00
Fees Paid ( )
Check # ___ Cash ___
Collected By ___

Certification in Lieu of Oath

I hereby certify that I am the owner of record or a contractor authorized by the owner of record to make this application, and that all work will be performed in accordance with the applicable Codes and Ordinances.

Signature
9/3/15
Date

Before You Dig! Call Miss Utility 1-800-282-8555 or other authorized locator.

Attention! Please post your issued permit on site and visible from the street.

9/21 See Manuf home permit Attached

15-1192

MANUFACTURED HOME PERMIT

City of Dover

BEFORE YOU DIG CALL MISS UTILITY 1-800-282-8555

DATE RECEIVED _____

A. IDENTIFICATION - APPLICANT: COMPLETE ALL APPLICABLE INFORMATION. WHEN READY FOR INSPECTION OR IF CHANGING CONTRACTORS CALL 736-7011 72 HOURS IN ADVANCE

WORK SITE LOCATION 823 E. Lockerman St

SUBDIVISION ___ _____ LOT NO N/A

OWNER Betty J. Henry & Robert D. Henry

ADDRESS 116 Winding Ridge Rd

Dover DE 19904

TELE (302) 735-7964 CELL (__) _____

DEALER WHERE HOME WAS PURCHASED CMH Homes Inc

ADDRESS 4679 N. Dupont Hwy Dover DE

TELE (302 734-1740 CELL (__) _____

DOVER BUSINESS LICENSE NO. 15-000 12029

LICENSED HOME INSTALLER B&O mobile transport

ADDRESS 51600 Willow Grove Rd Wyoming DE 19934

TELE (302 284-4084 CELL (__) _____

INSTALLER LICENSE NO. 16-25471

**CERTIFICATION IN LIEU OF OATH:
I HEREBY CERTIFY THAT I AM THE (AGENT OF) OWNER OF RECORD AND AM AUTHORIZED TO MAKE THIS APPLICATION AND WILL PERFORM ALL WORK IN ACCORDANCE WITH THE APPLICABLE CODES AND ORDINANCES.

PRINT NAME _____

SIGNATURE _____

DESCRIPTION OF HOME

MANUFACTURER CMH Oxford

YEAR OF HOME 2015 SIZE OF HOME 28X52

PERMANENT FOUNDATION ✓ YES _____ NO

BLOCKING & SKIRTING ✓ YES _____ NO

TYPE OF ANCHOR Oliver anchor Stabilizing System

***FOOTING PLAN REQUIRED FROM INSTALLER. INSTALLATION MANUAL MUST BE IN THE HOME AT TIME OF INSPECTION.

JOB SUMMARY (OFFICE USE ONLY)

PLAN REVIEW:	DATE	INITIAL
( ) FOOTING	___	___
CODE REVIEW:		
(✓) ZONING	9/9	
(✓) FIRE	9/9	

EST. COST OF BLDG WORK:

1. NEW BLDG $ _____
2. ALTERATION $ _____
3. TOTAL $ 112,004.00

PAID ( ) CHECK# _____

CASH _____

COLLECTED BY _____

Brief Description of Work (To Be Completed by Applicant):	To Be Completed By Planning & Inspections Staff
New manufactured home construction on block	Building Permit #: 15-1192 Plumbing Permit #: C/O Required: Y/N

WORK SITE LOCATION	Address: 823 E. Loockerman St., Dover DE 19901
	Parcel ID: ED-05-077.06-02-55.00-000

RECEIVED SEP 14 2015 BY:

Applicant (Owner or Contractor)	CMH Homs, INC
Contact Person	Heather Estepp
Mailing Address	4679 N. DuPont Hwy
City, State, Zip	Dover DE 19901
Telephone	302-734-1740
Fax	302-734-2321
E-mail Address	R728@Claytonhomes.com

Received
SEP 03 2015
Planning & Inspections

Does Your Project Propose . . .	Yes	No	If Yes, Describe
an increase or decrease to the quantity of plumbing fixtures at the location?	✓		New home 2 bath
a change in size of the water line serving the location?	✓		no water line @ location
a new water irrigation system?		✓	
a change in size of the sanitary sewer line serving the location?		✓	
relocation of the water meter?	✓		no water meter
relocation of the water line serving the location or any associated appurtenances?	✓		no water line
relocation of the sanitary sewer line serving the location or any associated appurtenances?	✓		Yes no existing sewer
any work within the right-of-way?		✓	
any proposed sidewalk work?	✓		Curb cutting
any proposed concrete work?	✓		footers
any alteration to any storm drain infrastructure?		✓	
any proposed curb alteration, i.e., new driveway to property?	✓		
any proposed scaffolding to renovate building exterior?		✓	
any proposed tree or shrub plantings within the right-of-way?		✓	
an upgrade in sanitation service?		✓	
a relocation of the existing trash pick-up location?		✓	

EASEMENT*	Yes	No
Is there any existing easement on this property? (utility, drainage, cross access, etc.)		✓

**-It is prohibited to build any structure within an existing easement.*

I hereby certify that the information provided above is correct and acknowledge that should any differences be identified throughout the course of the project that all renovation project requirements still apply.

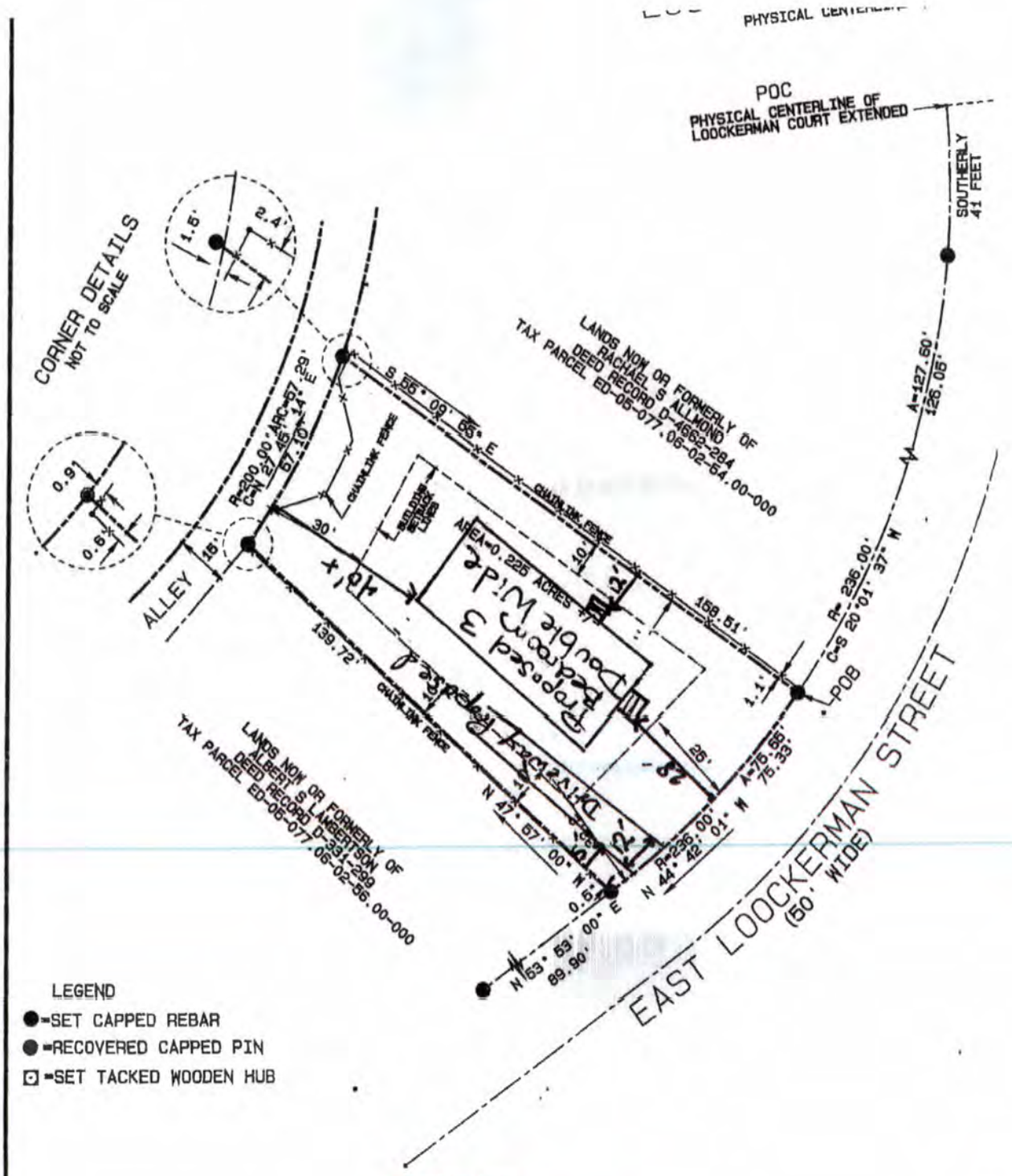
Heather Estepp — Printed Name of Applicant

Heather Estepp — Signature of Applicant

9/3/15 — Date

THIS FORM MUST BE COMPLETED AND TURNED IN WITH PLUMBING PERMIT APPLICATION OR BUILDING PERMIT APPLICATION.

APPROVED V/A HTE 18SEPT15 JL



LEGEND

- ●=SET CAPPED REBAR
- ●=RECOVERED CAPPED PIN
- ⊡=SET TACKED WOODEN HUB

APPROVED
City of Dover - Dept of Planning

Name Stacey Harvey
Date 4/21/15
Permit # 15-119

SCALE 1'

0

PHYSICAL LAND BOUNDARY SURVEY
FOR
CMH HOMES INC.
CITY OF DOVER
KENT COUNTY
DELAWARE

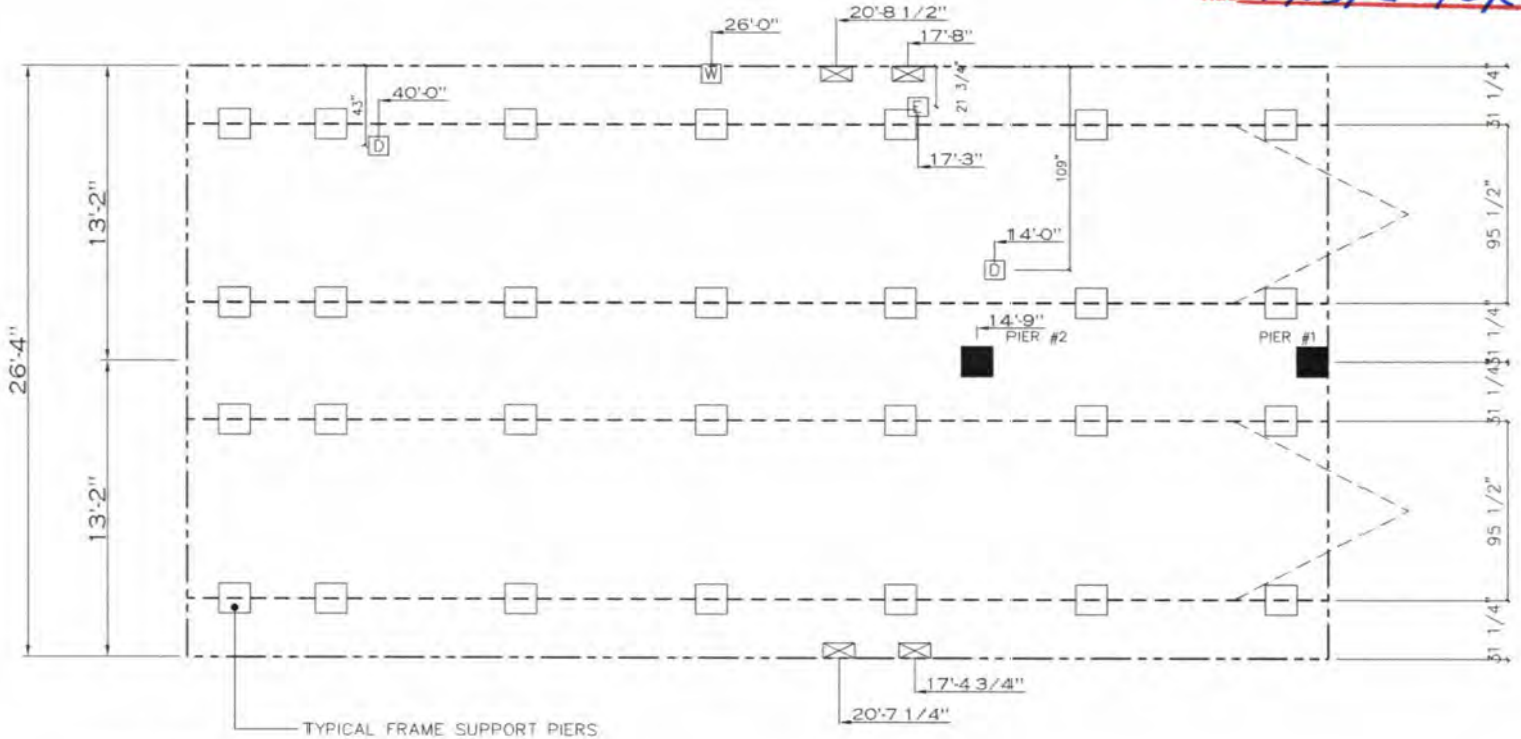
W JULIAN MARVE
2432 DYKE BRANC
DOVER, DE 19
JULIANS105@VERIZON

SCALE 1'=40' DATE 6-
DRAWN BY WJM CLIENT

20 lb ROOF LOAD SIDEWALL OPENING PIER LOAD 14' BOX WIDTH	SIDEWALL OPENING (FT) REQUIRED PIER LOAD (LBS)					
	3	4	5	6	8	10
	1175	1330	1485	1640	1950	2260

*FOR 30 lb & 40 lb ROOF LOAD REFER TO TABLES 7 & 7a IN THE INSTALLATION MANUAL.

Plan of Approval
City of Dover
Dept. of Inspections & Planning
Date 9/9/15
Name Mike McGuigan
Title INSPECTOR II



GENERAL NOTES:
1. PIER LOADS SHOWN ARE TO BE USED TO SIZE THE FOOTINGS BELOW THE MARRIAGEWALL FOR COLUMN SUPPORT PIERS. REFER TO TABLES 6b AND 6c IN THE INSTALLATION MANUAL FOR LOAD ON FRAME PIER FOOTINGS FOR HOMES THAT DO NOT REQUIRE PERIMETER BLOCKING. REFER TO TABLES 7b AND 7c IN THE INSTALLATION MANUAL FOR LOAD ON FRAME PIER FOOTINGS THAT REQUIRE PERIMETER BLOCKING. REFER TO TABLES 10 AND 10a TO DETERMINE FOOTING SIZE FOR ALL PIERS.
2. REFER TO TABLE 9 FOR PIER CONFIGURATION AND MAXIMUM ALLOWABLE HEIGHTS. CROSS REFERENCE THE PIER HEIGHT WITH THE MAXIMUM ALLOWABLE FLOOR HEIGHT LISTED IN THE FRAME TIEDOWN CHARTS (TABLE 18, 19, AND 20).
3. FLOOR WIDTH SHOWN IS FOR STANDARD PRODUCT ONLY. CONTACT THE MFG PLANT FOR SPECIFICATIONS OF OPTIONS ORDERED.
4. SERVICE DROP LOCATIONS IDENTIFIED ARE APPROXIMATE.
5. THE MAXIMUM SPACING FOR FRAME SUPPORT PIERS FOR 8" I-BEAMS IS 8 FEET, 10" & 12" I-BEAMS ARE 10 FEET.

PIER LOAD 20lb. ROOF LOAD	
COLUMN PIER #	COLUMN LOAD (lbs)
PIER # 1	2523
PIER # 2	2523

PIER LEGEND
- ☐ = SUPPORT UNDER MATING OPENING
- ■ = SUPPORT AT MATING COLUMN
- ▨ = SUPPORT UNDER MATING WALL
- ■ = PIER PORCH/RECESSED ENTRY
- ☐ = PIER MAIN BEAM
- ▭ = PIER PERIMETER
- ● = TIE-DOWN SUPPORT (QTY PER TBL M, SEE DETAIL D-6 IN FOUND. PKG.)

SERVICE DROP LEGEND
- [E] = ELECTRICAL DROP
- [W] = WATER INLET
- [D] = DWV PLUMBING DROP
- [G] = GAS INLET

1,264 SQ.FT. (STD PLAN "CONDITIONED
N/A SQ.FT. (W/OPT. PORCH/RECESS "CONDITIONED

CMH MANUFACTURING	Model #: KEY28483A	Drawing #: 29M079
	Date: 3/15/12 Scale: NTS	
Product Designer: Hutang	28 x 48 Key Stone	
PIER LOADS		

escription of Materials

U.S. Department of Housing and Urban Development
Department of Veterans Affairs
Farmers Home Administration

HUD's OMB Approval No. 2502-0192 (exp. 05/31/2007) and 2502-0313 (exp. 03/31/2008)

olic reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching sting data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

National Housing Act (12 USC 1703) authorizes insuring financial institutions against default losses on single family mortgages. HUD must evaluate the eptability and value of properties to be insured. The information collected here will be used to determine if proposed construction meets regulatory uirements and if the property is suitable for mortgage insurance. Response to this information collection is mandatory. No assurance of confidentiality rovided.

Proposed Construction ☐ Under Construction No. _____ (To be inserted by HUD, VA or FmHA)

operty address (Include City and State)

me and address of Mortgagor or Sponsor	Name and address of Contractor or Builder
	Clayton Homes, Inc. Oxford 3212 Knotts Grove Rd Oxford, N.C.

tructions

or additional information on how this form is to be submitted, number of ies, etc., see the instructions applicable to the HUD Application for lgage Insurance, VA Request for Determination of Reasonable Value, mHA Property Information and Appraisal Report, as the case may be. escribe all materials and equipment to be used, whether or not shown on drawings, by marking an X in each appropriate check-box and entering information called for each space. If space is inadequate, enter "See ." and describe under item 27 or on an attached sheet. **The use of nt containing more than the percentage of lead by weight mitted by law is prohibited.**

3. Work not specifically described or shown will not be considered unless required, then the minimum acceptable will be assumed. Work exceeding minimum requirements cannot be considered unless specifically described.
4. Include no alternates, "or equal" phrases, or contradictory items. (Consideration of a request for acceptance of substitute materials or equipment is not thereby precluded.)
5. Include signatures required at the end of this form.
6. The construction shall be completed in compliance with the related drawings and specifications, as amended during processing. The specifications include this Description of Materials and the applicable Minimum Property Standards.

Excavation

aring soil, type On site by others

Foundations

otings concrete mix On site by others Strength psi _____ Reinforcing _____
undation wall material _____ Reinforcing _____
erior foundation wall material _____ Party foundation wall _____
lumns material and sizes _____ Piers material and reinforcing _____
ders material and sizes _____ Sills material _____
sement entrance areaway _____ Window areaways _____
aterproofing _____ Footing drains _____
rmite protection _____
sementless space ground cover _____ insulation _____ foundation vents _____
ecial foundations _____
ditional information

Chimneys

aterial Stainless steel Prefabricated (make and size) VEXAR by Stylecrest 12" double wall
e lining material Stainless steel Heater flue size _____ Fireplace flue size 12"
nts (material and size) gas or oil heater stainless 8" water heater _____
ditional information

Fireplaces

e ☒ solid fuel ☐ gas-burning ☐ circulator (make and size) _____ Ash dump and clean-out _____
place facing Steel Lining _____ hearth concrete mantel wood
itional information

5. Exterior Walls
Wood frame wood grade, and species 2 X 4 stud grade ☐ Corner bracing Building paper or felt _____

Sheathing OSB thickness 3/8" width 4' ☒ solid ☐ spaced _____ o.c. ☐ diagonal _____

Siding vinyl lap grade _____ Type _____ size double 4 exposure full fastening 16" oc
Shingles fiberglass grade _____ Type _____ size _____ exposure _____ fastening _____

Stucco _____ thickness _____ Lath _____ weight _____ lb
Masonry veneer _____ Sills _____ Lintels _____ Base flashing _____

Masonry ☐ Solid ☐ faced ☐ Stuccoed total wall thickness _____ facing thickness _____ facing material _____

Backup material _____ Thickness _____ bonding _____

Door sills _____ Window sills _____ Lintels _____ Base flashing _____

Interior surfaces dampproofing, _____ coats of _____ furring _____
Additional information

Exterior painting material _____ number of coats _____

Gable wall construction ☐ same as main walls ☐ other construction _____

6. Floor Framing
Joists wood, grade, and species 2 X 6 spf Other 2x8 bridging _____ anchors _____
Concrete slab ☐ basement floor ☐ first floor ☐ ground supported ☐ Self-supporting mix _____ thickness _____

reinforcing _____ Insulation fiberglass blankets membrane _____

Fill under slab material _____ thickness _____
Additional information

7. Subflooring (Describe underflooring for special floors under item 21)
Material grade and species T&G OSB size 19/32 type 4' X 8'

Laid ☐ first floor ☐ second floor ☐ attic _____ sq ft diagonal ☐ right angles ☐
Additional information

8. Finish Flooring (Wood only. Describe other finish flooring under item 21)

Location	Rooms	Grade	Species	Thickness	Width	Bldg. Paper	Finish
First floor							
Second floor							
Attic floor	sq. ft						

Additional information

9. Partition Framing
Studs wood, grade, and species #3 or better size and spacing 2x3 & 2x4 24"oc Other 16" oc on shearwalls
Additional information

10. Ceiling Framing
Joists wood, grade, and species Prefabricated rafter spf Other N/A Bridging N/A
Additional information
20 lb live load 3rd party tested & design for 24" oc max

11. Roof Framing
Rafters wood, grade, and species see # 10 Roof trusses (see detail) grade and species _____
Additional information

12. Roofing
Sheathing wood, grade, and species 7/16" OSB rated at 24" oc. ☐ solid ☐ spaced 24" o.c. unless W23 16" o.c

Roofing fiberglass shingle grade 230 lb size 12x36 type 3 tab self sealing
Underlay Shingle underlayment weight or thickness _____ size _____ fastening _____

Built-up roofing _____ number of plies _____ surfacing material _____

Flashing material _____ gage or weight _____ ☐ gravel stops ☐ snow guards
Additional information

13. Gutters and Downspouts

Gutters material _____ gage or weight _____ size _____ shape _____

Downspouts material _____ gage or weight _____ size _____ shape _____ Number _____

Downspouts connected to ☐ Storm sewer ☐ sanitary sewer ☐ dry-well ☐ Splash blocks material and size _____

Additional information

14. Lath and Plaster

Lath ☐ walls ☐ ceilings material _____ weight or thickness _____ Plaster coats _____ finish _____

Dry-wall ☐ walls ☒ ceilings material 1/2" Drywall thickness 1/2 finish accoustic

Joint treatment

15. Decorating (Paint, wallpaper, etc.)

Rooms	Wall Finish Material and Application	Ceiling Finish Material and Application
Kitchen	All rooms have prefinished vinyl wall board	Mud, vapor barrier, accoustic
Bath		
Other		

Additional information

16. Interior Doors and Trim

Doors type Hollow core material Hardboard thickness 1 1/4"

Door trim type _____ material _____ Base type _____ material _____ size _____

Finish doors prefinished trim _____

Other trim (item, type and location) _____

Additional information

17. Windows

Windows type Vinyl or aluminum make Kinro material aluminum & vinyl sash thickness _____

Glass grade _____ ☒ sash weights ☐ balances, type _____ head flashing _____

Trim type _____ Material _____ Paint _____ number coats _____

Weatherstripping type Putty tape & caulk material _____ Storm sash, number _____

Screens ☐ full ☒ half type aluminum number _____ screen cloth material _____

Basement windows type _____ material _____ screens, number _____ Storm sash, number _____

Special windows _____

Additional information

egress all bedrooms Optional storm windows all locations

18. Entrances and Exterior Detail

Main entrance door material steel width ~~34"~~ 36" thickness 2" Frame material wood thickness 3/4"

Other entrance doors material aluminum width ~~34"~~ 36" thickness 1 3/4" Frame material alumin thickness 1/4"

Head flashing _____ Weatherstripping type Putty tape & caulk saddles _____

Screen doors thickness 1" number _____ screen cloth material _____ Storm doors thickness _____ number _____

Combination storm and screen doors thickness 4" number _____ screen cloth material _____

Shutters ☐ hinged ☒ fixed Railings _____ Attic louvers aluminum

Exterior millwork grade and species _____ Paint _____ number coats _____

Additional information

19. Cabinets and Interior Detail

Kitchen cabinets, wall units material MDF,OSB, Paneling lineal feet of shelves _____ shelf width _____

Base units material MDF, OSB, Paneling counter top formica edging formica

Back and end splash _____ Finish of cabinets prefinished number coats _____

Medicine cabinets make _____ model _____

Other cabinets and built-in furniture _____

Additional information

Oak cabinet doors optional

20. Stairs

Stair	Treads		Risers		Strings		Handrail		Balusters	
	Material	Thickness	Material	Thickness	Material	Size	Material	Size	Material	Size
Basement										
Main										
Attic										

Disappearing make and model number _____
Additional information

21. Special Floors and Wainscot (Describe Carpet as listed in Certified Products Directory)

	Location	Material, Color, Border, Sizes, Gage, Etc.	Threshold Material	Wall Base Material	Underfloor Material
Floors	Kitchen	vinyl roll goods (~~armstrong~~) Congoleum			
	Bath	vinyl or carpet			

	Location	Material, Color, Border, Cap, Sizes, Gage, Etc.	Height	Height Over Tub	Height in Showers (From Floor)
Wainscot	Bath				

Additional information

22. Plumbing

Fixture	Number	Location	Make	MFR's Fixture Identification No.	Size	Color
Sink	1	kitchen			16x32 dbl	stainless
Lavatory	2+	baths			16"	china
Water closet	2+	baths				china
Bathtub	2+	baths				
Shower over tub	1+	baths				
Stall shower	1	bath				
Laundry trays	optional	utility room				

Bathroom accessories ☐ Recessed material _____ number _____ ☐ Attached material _____ number _____
Additional information

☐ Curtain rod ☐ Door ☐ Shower pan material _____ * (Show and describe individual system in complete detail in separate drawings and specifications according to requirements.)

Water supply ☐ public ☐ community system ☐ individual (private) system*

Sewage disposal ☐ public ☐ community system ☐ individual (private) system*

House drain (inside) ☐ cast iron ☐ tile ☐ other _____ House sewer (outside) ☐ cast iron ☐ tile ☐ other _____

Water piping ☐ galvanized steel ☐ copper tubing ☐ other _____ Sill cocks, number _____

Domestic water heater type _____ make and model _____ heating capacity _____ gph. 100° rise

Storage tank material _____ Capacity _____ gallons

Gas Service ☐ utility company ☐ liq. pet. gas ☐ other _____ ☐ Gas piping ☐ cooking ☐ house heating

Footing drains connected to ☐ storm sewer ☐ sanitary sewer ☐ dry well ☐ Sump pump make and model _____

capacity _____ discharges into _____

Additional information

23. Heating

☐ Hot water ☐ Steam ☐ Vapor ☐ One-pipe system ☐ Two-pipe system

☐ Radiators ☐ Convectors ☐ Baseboard radiation Make and model _____

☐ Radiant panel ☐ floor ☐ wall ☐ ceiling ☐ Panel coil material _____

☐ Circulator ☐ Return pumpMake and model _____ capacity _____ gpm.

Boiler make and model _____ Output _____ Btuh. net rating _____ Btuh.

Additional information

Warm air ☐ Gravity ☒ Forced Type of system elec furnace

Duct material supply aluminum return in furnace Insulation min R-11 thickness _____ ☐ Outside air intake

Furnace: make and model miller Input _____ Btuh. output _____ Btuh.

Additional information

☐ Space heater ☐ floor furnace ☐ wall heaterInput _____ Btuh. output _____ Btuh. number units _____

Make, model _____

Additional information

Controls make and types _____

Additional information

Fuel: ☐ Coal ☐ oil ☐ gas ☐ liq. pet. gas ☐ electric ☐ other _____ storage capacity _____

Additional information

Firing equipment furnished separately ☐ Gas burner, conversion type ☐ Stoker hopper feed ☐ bin feed

Oil burner ☐ pressure atomizing ☐ vaporizing

Make and model _____

Control _____

Additional information

Electric heating system type _____ Input _____ watts @ _____ volts output _____ Btuh.

Additional information

Ventilating equipment ☐ attic fan, make and model _____ capacity _____ cfm.

☐ kitchen exhaust fan, make and model Ventline PR 51

Other heating, ventilating, or cooling equipment _____

Additional information

24. Electric Wiring

Service ☐ overhead ☐ underground Panel ☐ fuse box ☐ circuit-breaker make _____ AMP's _____ No. circuits _____

Wiring ☐ conduit ☐ armored cable ☐ nonmetallic cable ☐ knob and tube ☐ other _____

Special outlets ☐ range ☐ water heater ☐ other _____

☐ Doorbell ☐ Chimes ☐ Push-button locations _____

Additional information

25. Lighting Fixtures

Total number of fixtures _____ Total allowance for fixtures, typical installation, $ _____

Nontypical installation _____

Additional information

26. Insulation

Location	Thickness	Material, Type, and Method of Installation	Vapor Barrier
Roof	8 to 12"	r-22 to r-28 blown celulose	sprayed
Ceiling			
Wall	3"	r-11 To r-15 fiberglass batts	vinyl wall boards
Floor	6 To 8"	r-11 To r-22 blanket fiberglass	bottom board cover

27. Miscellaneous: (Describe any main dwelling materials, equipment, or construction items not shown elsewhere; or use to provide additional information where the space provided was inadequate. Always reference by item number to correspond to numbering used on this form.)

Hardware (make, material, and finish.)

Special Equipment (State material or make, model and quantity. Include only equipment and appliances which are acceptable by local law, custom and applicable FHA standards. Do not include items which, by established custom, are supplied by occupant and removed when he vacates premises or chattles prohibited by law from becoming realty.)

Porches

Terraces

Garages

Walks and Driveways
Driveway width _____ base material _____ thickness _____ surfacing material _____ thickness _____
Front walk width _____ material _____ thickness _____ Service walk width _____ material _____ thickness _____
Steps material _____ treads _____ risers _____ Cheek walls _____

Other Onsite Improvements
(Specify all exterior onsite improvements not described elsewhere, including items such as unusual grading, drainage structures, retaining walls, fence, railings, and accessory structures.)

Landscaping, Planting, and Finish Grading
Topsoil _____ thick ☐ front yard ☐ side yards ☐ rear yard to _____ feet behind main building
Lawns (seeded, sodded, or sprigged) ☐ front yard _____ ☐ side yards _____ ☐ rear yard _____
Planting ☐ as specified and shown on drawings ☐ as follows:

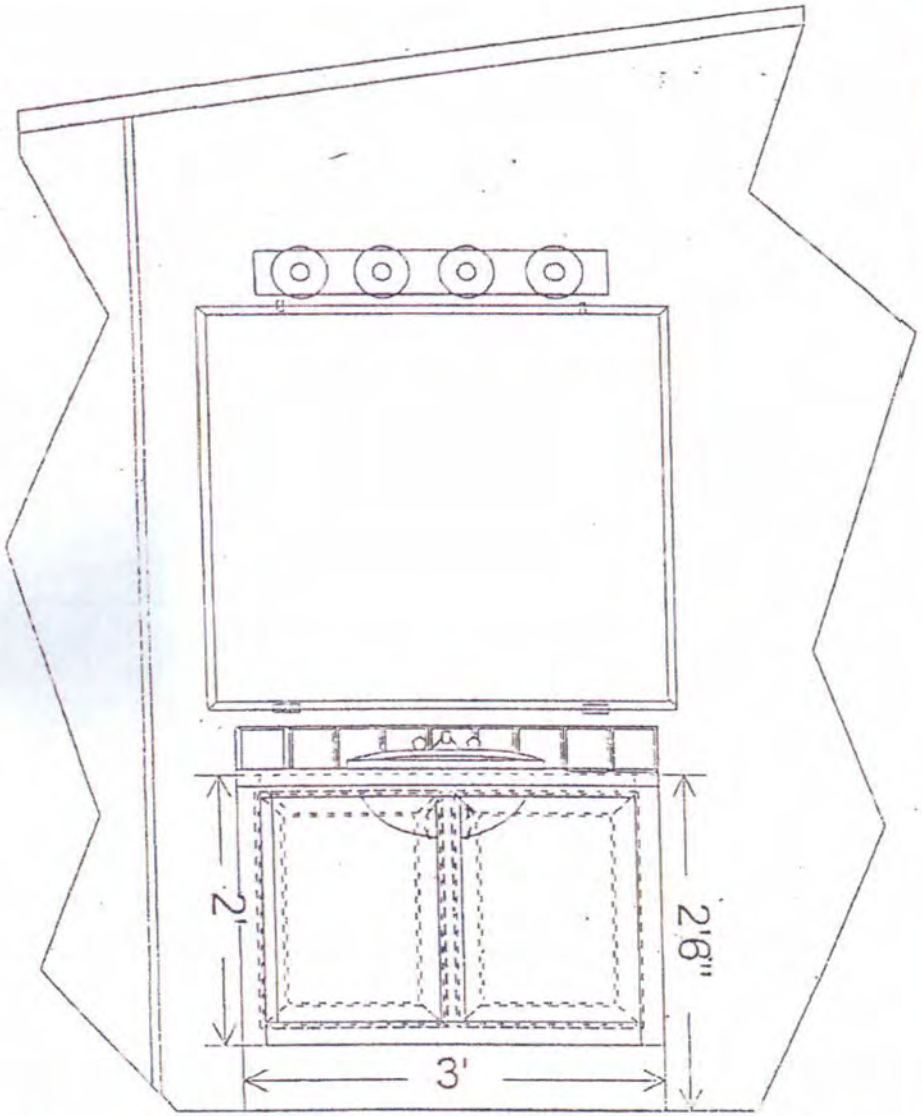
_____	Shade trees deciduous	_____ caliper		_____	Evergreen trees	_____ to _____	B & B
_____	Low flowering trees deciduous	_____ to _____		_____	Evergreen shrubs	_____ to _____	B & B
_____	High-growing shrubs deciduous	_____ to _____		_____	Vines, 2-year	_____	
_____	Medium-growing shrubs deciduous	_____ to _____		Other			
_____	Low-growing shrubs deciduous	_____ to _____					

Identification—This exhibit shall be identified by the signature of the builder, or sponsor, and/or the proposed mortgagor if the latter is known at the time of application.

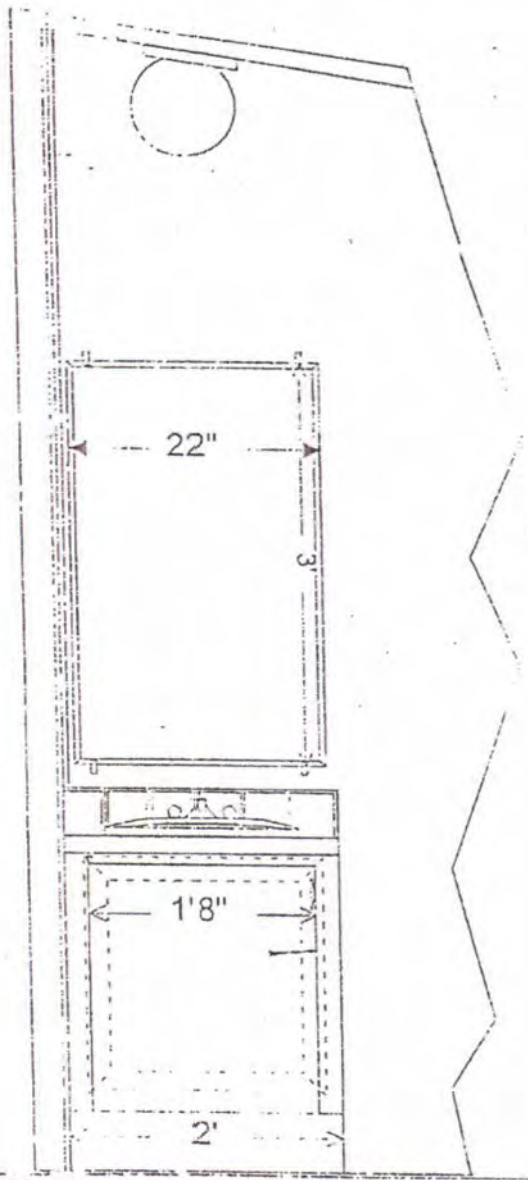
Date (mm/dd/yyyy) 11-14-2014

Signature Annette Eatmon

Signature Annette Eatmon



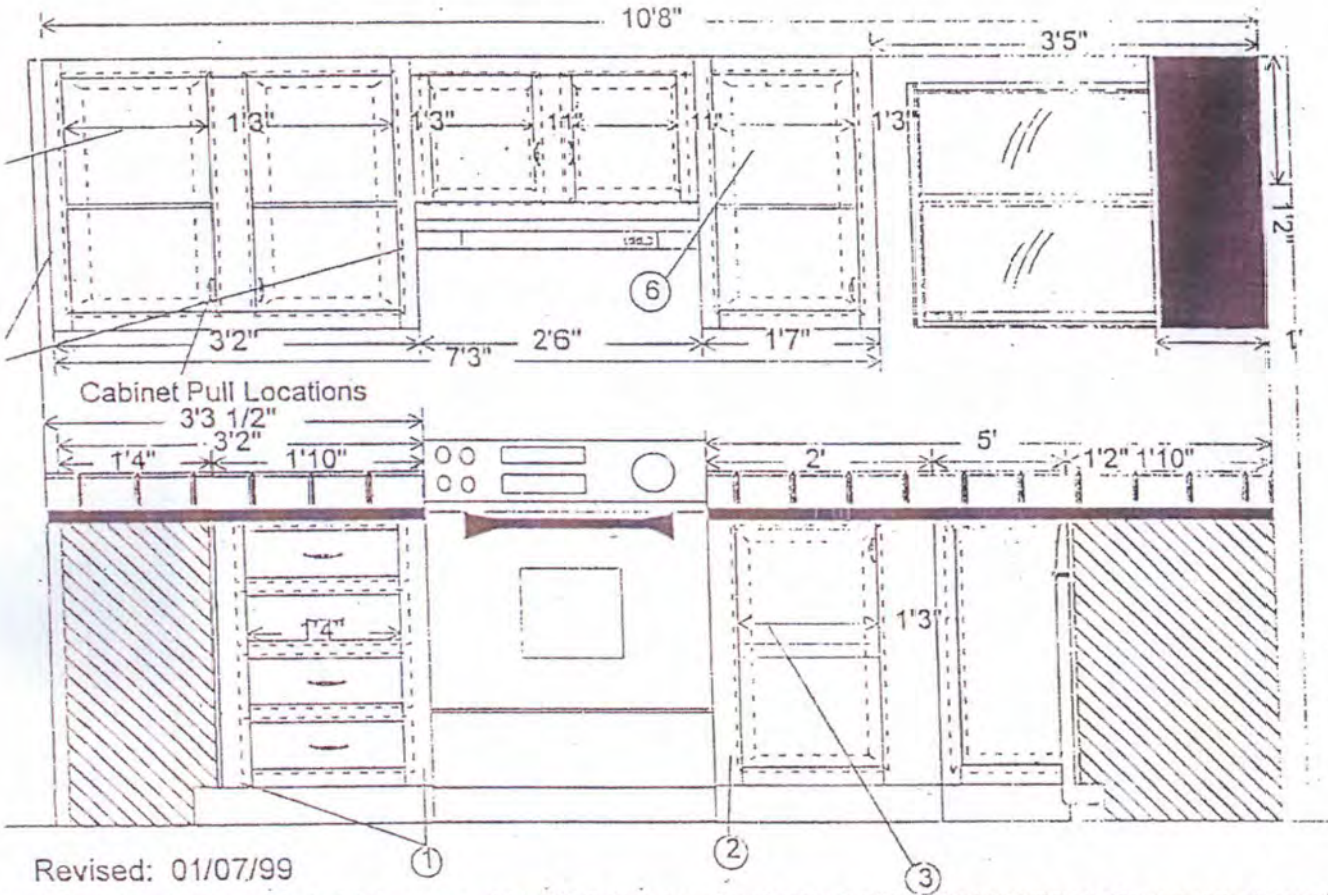
Master Bath Vanity

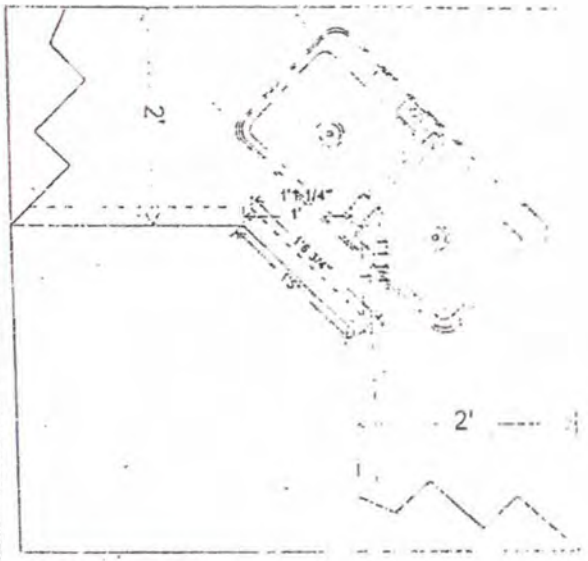


Hall Bath Vanity

Revised: 01/08/99

Kitchen Area 1: Range Cabinets

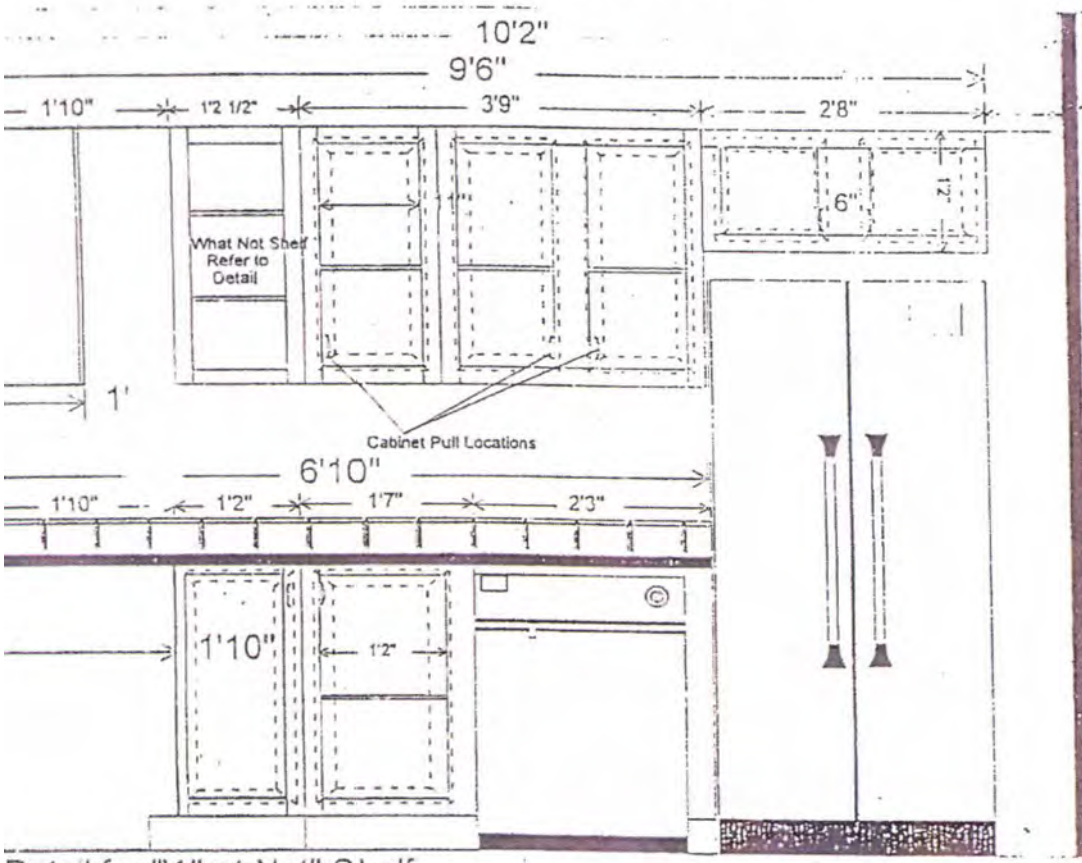




Revised: 01/07/99

ised: Cabinets redrawn to original print, door sizes matching White Pine sizes. Overall cabinet widths to the right and above the range have changed.

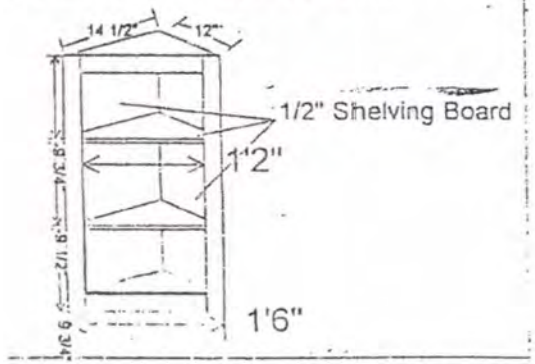
Kitchen Area 2: Refrigerator Cabinets



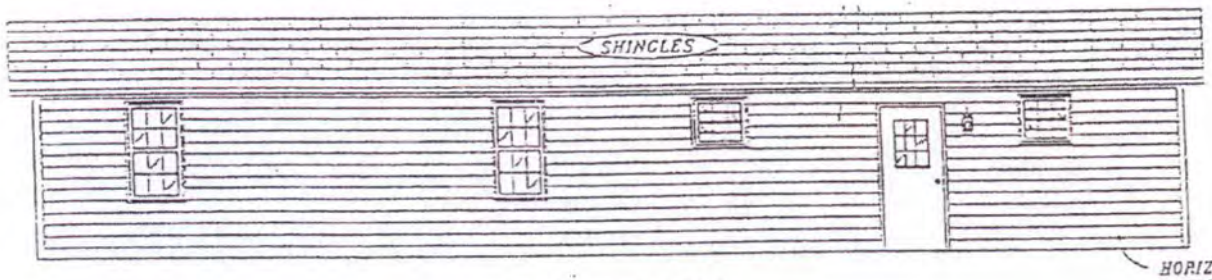
Kitchen Area 3: Sink Cabinet



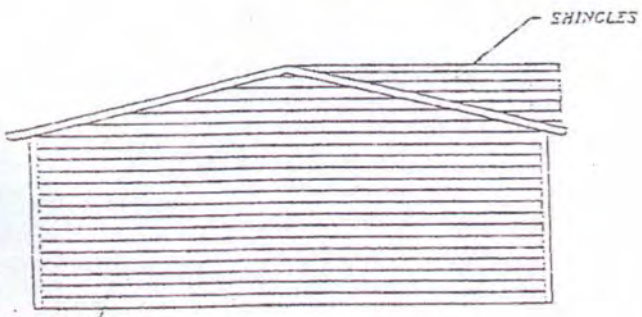
Detail for "What Not" Shelf



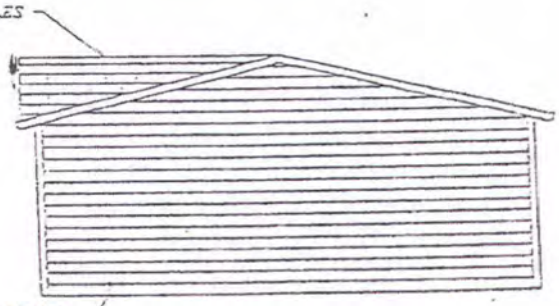
Revised: 01/08/99



REAR ELEVATION



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION



FRONT ELEVATION

CLAYTON HOMES

SCALE: 1/4"=1'-0"

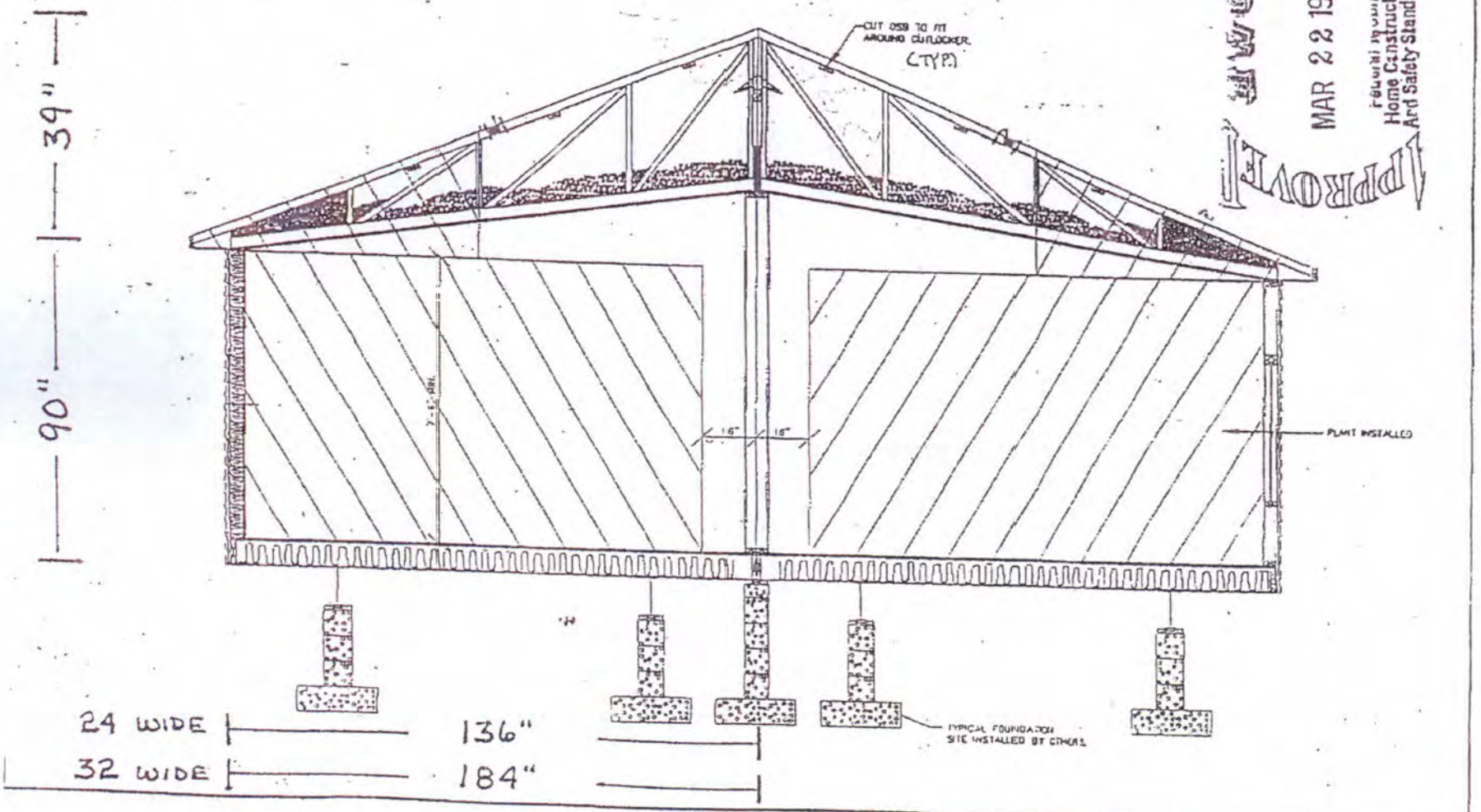
DATE: 7/29/96

DRAWN BY JON PIKE

MODEL NO. | DRAWING NO.

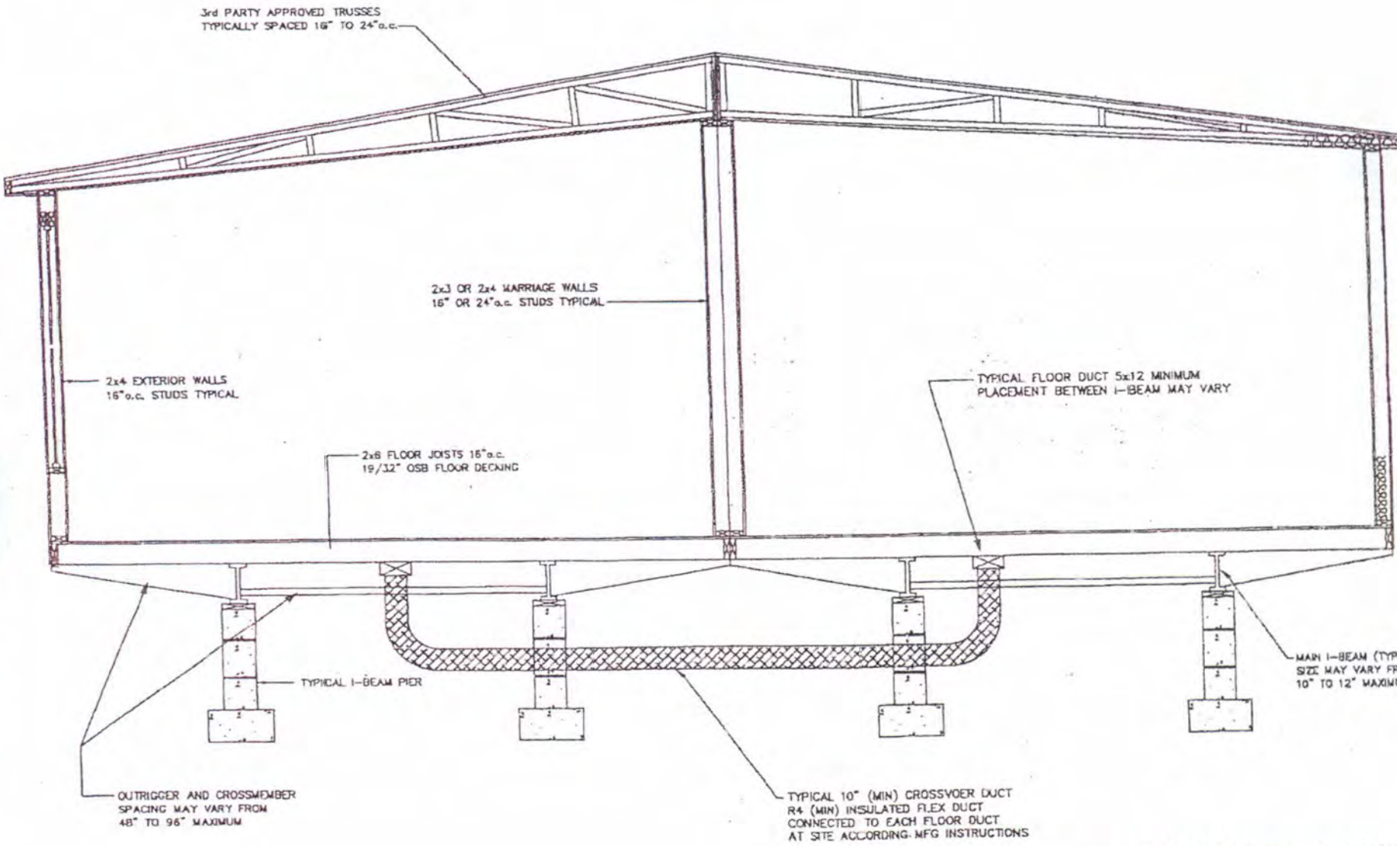
Oxford 929

Roof Pitch
24 WIDE 3.4/12
32 WIDE 2.5/12



APPROVED
MAR 22 1996
Federal Housing
Home Construction
Std Safety Standard

SU-D-86D



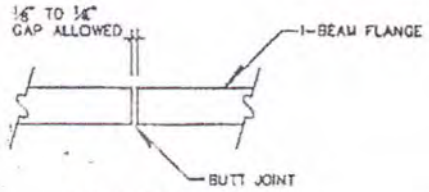
NOTE: 11x17 Prints are not to sc

Engineering	Date: 6/22/03	Scale:
Product Designer: D. Zmudzicka		
Typcial Cross Section		
	Model Name:	Draw Cross

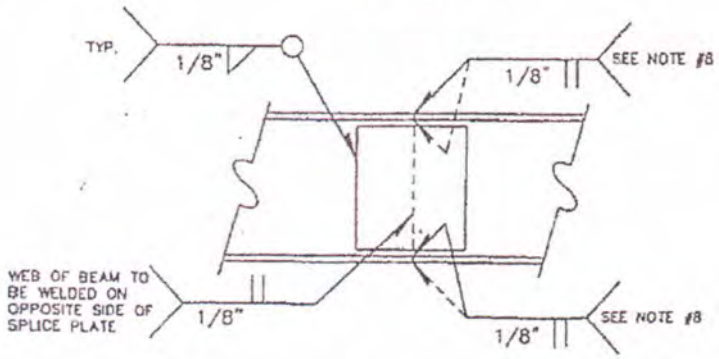
TOTAL P.02

BEAM SIZE	ROLLED lbs/ft 36 ksi	WELDED lbs/ft 45 ksi
8"	6.5	6.2
10"	8.0	7.5
12"	10.8	9.6

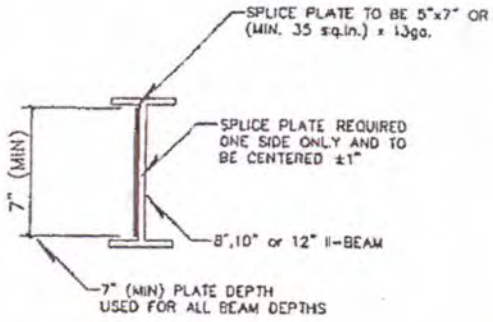
MINIMUM I-BEAM SPECIFICATIONS



TOP VIEW



SIDE VIEW



END VIEW

MAIN I-BEAM SPLICE CONNECTIONS

Ref. Calc #:
Ref. CCI #: 13.3
Wind Zone Approval:
Wind Zone I @ 15 psf ☑
Wind Zone II @ 100 mph ☑
Wind Zone III @ 110 mph ☑

General Notes:

MAIN I-BEAM NOTES:

1. For all other frame components refer to the index of this section S-CH-INDEX
2. Main I-beam spacings will vary based on floor system application used. Typical spacings used are 95½" center to center and 99½" center to center.
3. The main I-beam spacing may have a ±½" tolerance.
4. All steel to be 36 ksi ASTM A 36 or better. With exception to Welded beams, they must be 45 ksi (min).
5. Camber and/or cantilever may be varied as necessary.

MAIN I-BEAM SPLICE NOTES:

6. Main I-beam splice may occur more than one time per I-beam.
7. Dashed weld leaders indicate an alternate weld location. This location can be used in place of the one shown.
8. Weld may be ¼" depending on gap. Weld may be on top or bottom of flange.
9. For modified I-beam splice connection see detail S-FL-4F.

D.A.P.I.A. Approval Seal:

APPROVED HWG REVISED DEC 7 1998 APPROVED
Federal Mobile Home Construction And Safety Standards

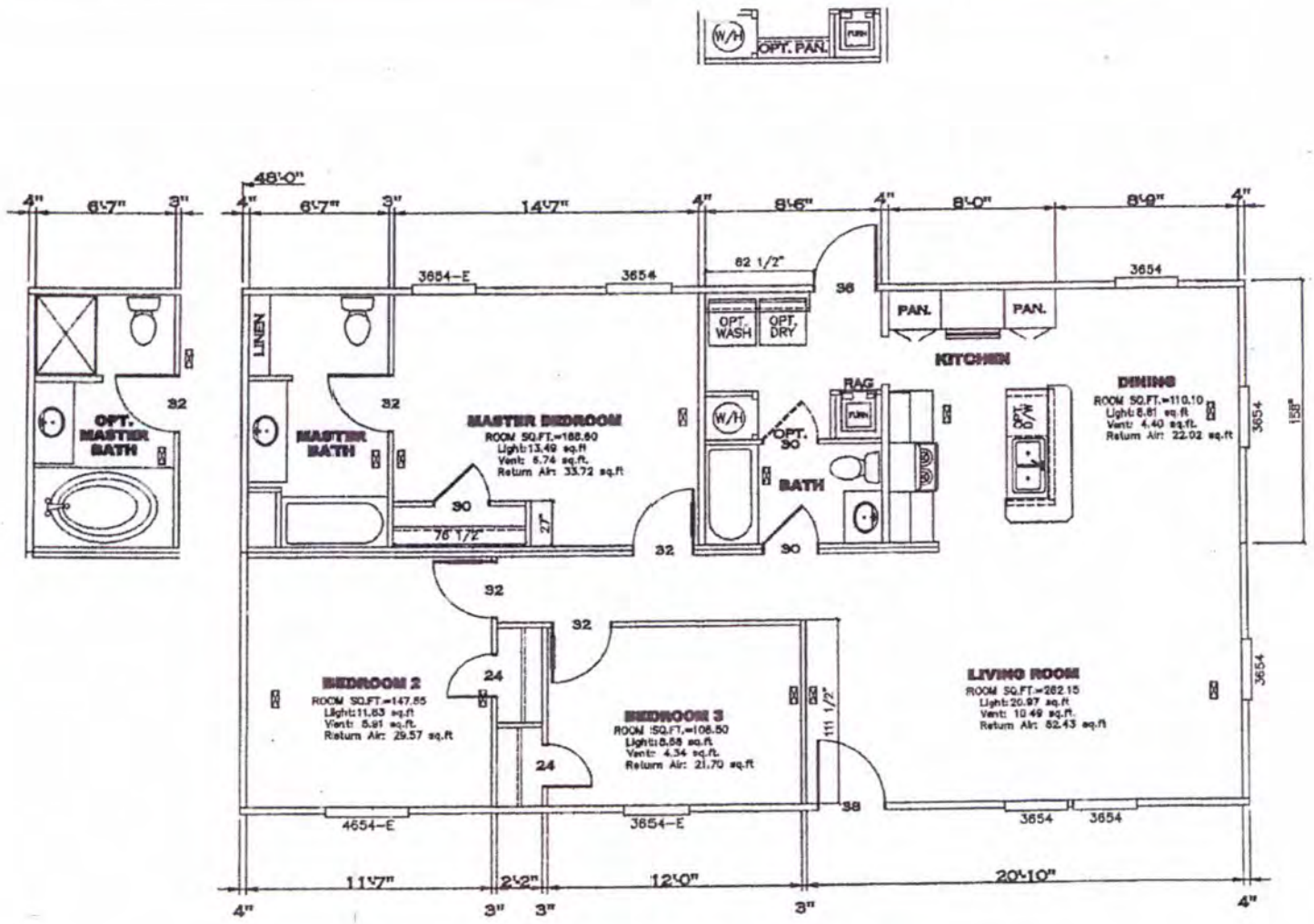
Manufacturing

TITLE: Main I-Beam Specifications

Date: 3/10/98 | Dwg #: S-CH-4 | Rev 11/24/98 dap

1 INDICATES CHANGE
Added note #9 to the main I-beam splice notes.

D.A.P.I.A. APPROVAL #:
S-CH-4 1



APPROVED HWG APPROVED

APR 12 2012
FP-28-3859

Federal Manufactured Home Construction And Safety Standards

1,264 SQ.FT. (STD PLAN "CONDITIONED")
N/A SQ.FT. (W/OPT. PORCH/RECESS "CONDITIONED")

CMH MANUFACTURING	Model #: KEY28483A	Drawing #: 29M079
	Date: 3/15/12 Scale: NTS	
Product Designer: Hutsing	28 x 48 Key Stone	

FLOOR PLAN

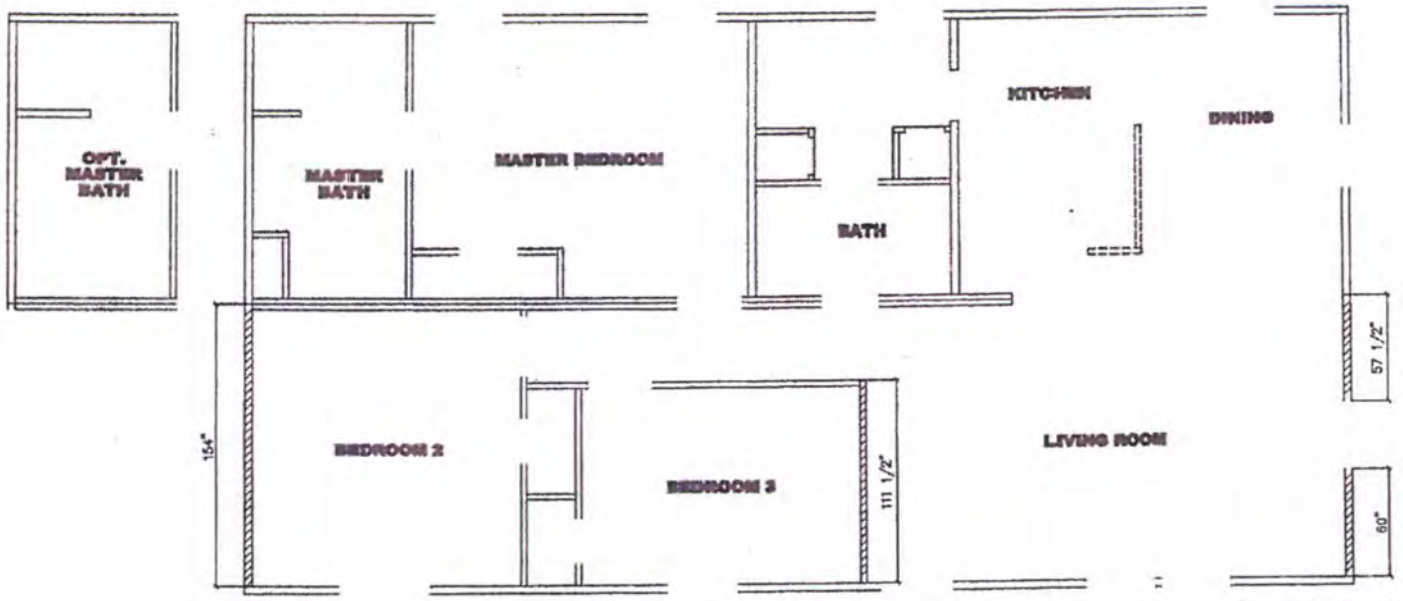
GENERAL NO.
WIND ZONE I = 15 PSF
WIND ZONE II = 100 MPH
WIND ZONE III = 110 MPH
I-BEAM SPACING = 96.6"
FLOOR WIDTH = 168"

APPROVED HWC APPROVED

APR 12 2012
FP-28-3859

Federal Manufactured
Home Construction
And Safety Standards

WIND ZONE I, II & III: ROOF DECKING DIAPHR SHEARWALLS



SHEARWALL #C
ZONE I = 182 PLF
SPAN = 0.00 ft.
# JOISTS = 2
# LAGS = 2
ZONE II = 425 PLF
SPAN = 0.00 ft.
# JOISTS = 2
# LAGS = 6
ZONE III = 425 PLF
SPAN = 0.00 ft.
# JOISTS = 2
# LAGS = 6

WIND ZONE III ONLY
SHEARWALL #B
ZONE III = 515 PLF
SPAN = 28.71 ft.
# JOISTS = 5
# LAGS = 4

SHEARWALL #A
ZONE I = 182 PLF
SPAN = 48.00 ft.
# JOISTS = 1
# LAGS = 5
ZONE II = 425 PLF
SPAN = 48.00 ft.
# JOISTS = 1
# LAGS = 5
ZONE III = 425 PLF
SPAN = 21.29 ft.
# JOISTS = 1
# LAGS = 5

1,264 SQ.FT. (STD PLAN "CONDITIONED")
N/A SQ.FT. (W/OPT. PORCH/RECESS "CONDITIONED")

CMH MANUFACTURING	Model #: KEY28483A	Drawing #: 29M079
	Date: 9/15/12 Scale: NTS	
Product Designer: Hubing	28 x 48 Key Stone	

SHEARWALL PAGE

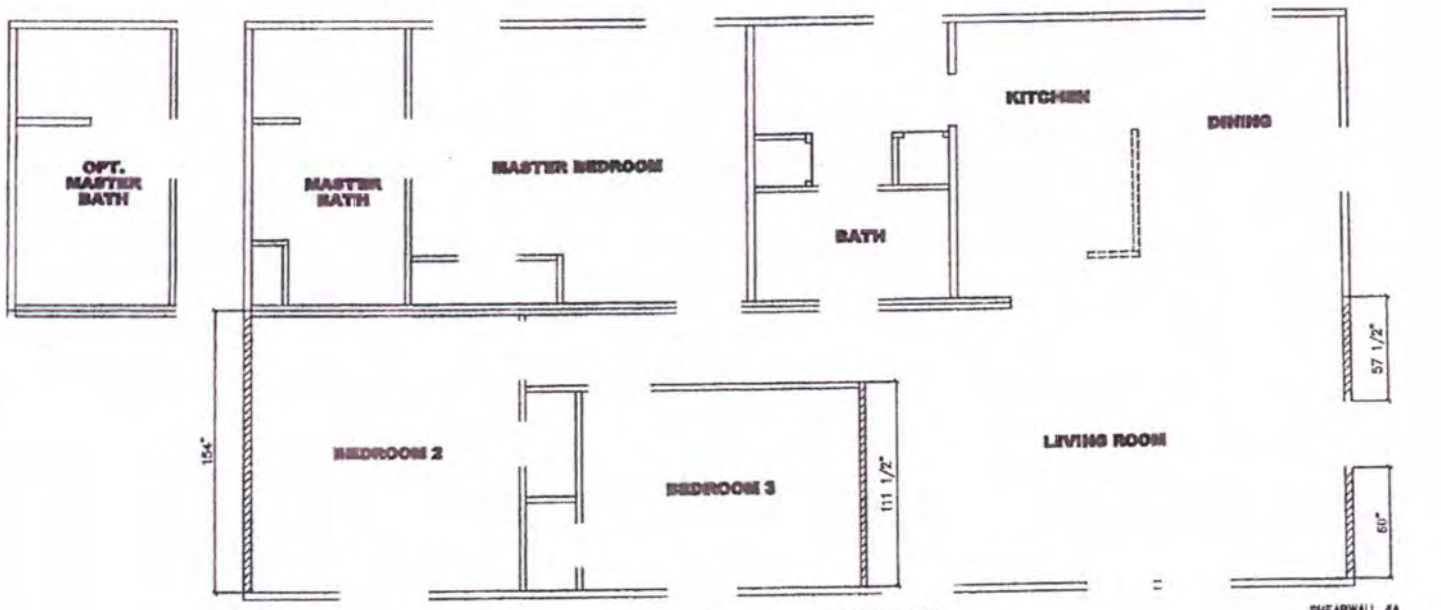
GENERAL NO.
WIND ZONE I = 16 PSF
WIND ZONE II = 100 MPH
WIND ZONE III = 110 MPH
I-BEAM SPACING = 95.5"
FLOOR WIDTH = 158"

APPROVED HWC APPROVED

APR 12 2012
FP-28-3859

Federal Manufactured
Home Construction
And Safety Standards

WIND ZONE I, II & III: ROOF DECKING DIAPHR/ SHEARWALLS



SHEARWALL #C
ZONE I = 162 PLF
SPAN = 0.00 ft.
# JOISTS = 2
# LAGS = 2
ZONE II = 425 PLF
SPAN = 0.00 ft.
# JOISTS = 2
# LAGS = 5
ZONE III = 425 PLF
SPAN = 0.00 ft.
# JOISTS = 2
# LAGS = 5

WHO ZONE III ONLY
SHEARWALL #B
ZONE III = 515 PLF
SPAN = 28.71 ft.
# JOISTS = 5
# LAGS = 4

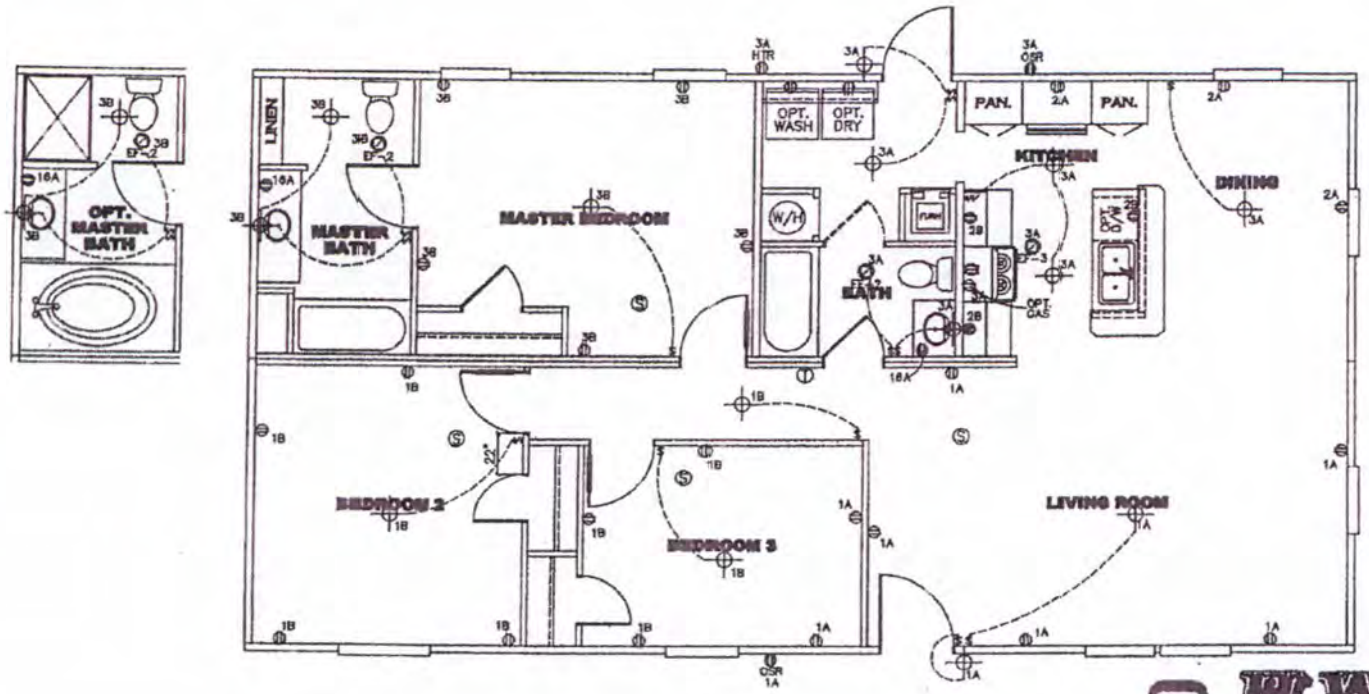
SHEARWALL #A
ZONE I = 162 PLF
SPAN = 48.00 ft.
# JOISTS = 1
# LAGS = 5
ZONE II = 425 PLF
SPAN = 48.00 ft.
# JOISTS = 1
# LAGS = 5
ZONE III = 425 PLF
SPAN = 21.29 ft.
# JOISTS = 1
# LAGS = 5

1,264 SQ.FT. (STD PLAN "CONDITIONED")
N/A SQ.FT. (W/OPT. PORCH/RECESS "CONDITIONED")

CMH MANUFACTURING	Model #: KEY28483A	Drawing #: 29M079
	Date: 3/15/12 Scale: NTS	
Product Designer: Mustang	28 x 48 Key Stone	

SHEARWALL PAGE





NOTES:

1. ALL CIRCUITS SHOWN ARE FOR REFERENCE AND MAY BE CHANGED BASED ON OPTIONAL COMPONENTS INSTALLED IN THE HOME.
2. REFER TO EL SECTION OF THE DAPIA FOR SYMBOL CHART.
3. EITHER LIGHT OR RECEPTACLE MUST CONNECT TO SWITCH.
4. EF-1= 50 CFM EXHAUST FAN REQUIRED FOR THERMAL ZONE III THERMAL ZONES I & II MAY USE FAN OR WINDOW W/1.5 SQ. FT. OPENABLE GLASS.
5. EF-2= 50 CFM EXHAUST FAN REQUIRED THERMAL ZONE I, II, AND III.
6. EF-3= 100 CFM RANGE EXHAUST FAN, SWITCH AT HOOD.
7. EF-4= WHOLE HOUSE VENTILATION PER REQUIREMENTS IN S-HV-10 & 10A OR M-HV-11 & 11A OF DAPIA.
8. REFER TO EL SECTION OF THE DAPIA OR THE MFG. INSTALLATION INSTRUCTIONS FOR PROPER WIRE SIZE AND BREAKER SIZE FOR SPECIFIC APPLIANCE AND MODEL BEING INSTALLED.
9. ALL SMOKE ALARMS TO BE LOCATED ON THE CEILING.
10. DIMENSIONS SHOWN ON PRINT ARE APPROXMATE AND TO BE USED ONLY AS A GUIDELINE.

CIRCUIT	CIRCUIT #	WIRE	BREAKER
LIGHT/RECEP	1A,1B,3A,3B	14-2	15-SP
KITCHEN	2A,2B	12-2	20-SP
WASHER	12A	12-2	20-SP
DRYER	5A,7B	SEE NOTE #8	

CIRCUIT	CIRCUIT #	WIRE	BREAKER
WATER HEATER	4A,6B	SEE NOTE #8	
RANGE	5B,7A	SEE NOTE #8	
FURNACE	6A,8A,B,10A,B	SEE NOTE #8	
OPT D/WASH	9A	SEE NOTE #8	
SMOKE ALARM	4B	SEE NOTE #8	

CIRCUIT	CIRCUIT #	WIRE	BREAKER
BATHROOM	16A	12-2	20-SP
OPT G/DISP	9B	SEE NOTE #8	
OPT SPA/ WP JAC	11A,B	SEE NOTE #8	
FREEZER	13A	SEE NOTE #8	

APPROVED HWC APPROVED

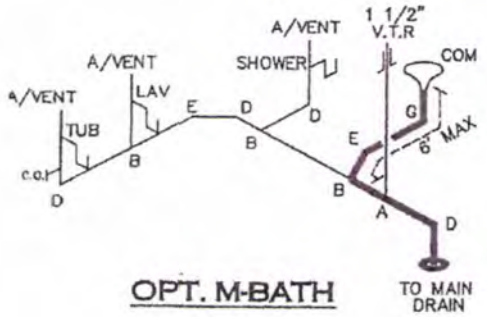
APR 12 2012
FP-28-3859.

Federal Manufactured Home Construction And Safety Standards

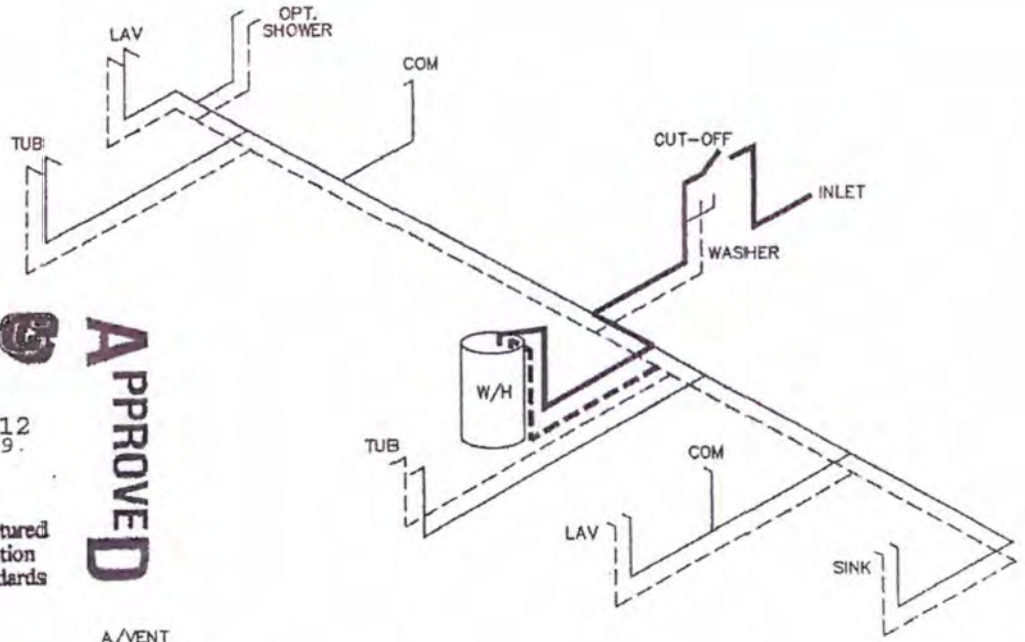
1,264 SQ.FT. (STD PLAN "CONDITIONED")
N/A SQ.FT. (W/OPT. PORCH/RECESS "CONDITIONED")

CMH MANUFACTURING	Model #: KEY28483A	Drawing #: 29M079
	Date: 3/15/12	Scale: NTS
Product Designer: Hubing	28 x 48 Key Stone	

ELECTRICAL PLAN-06



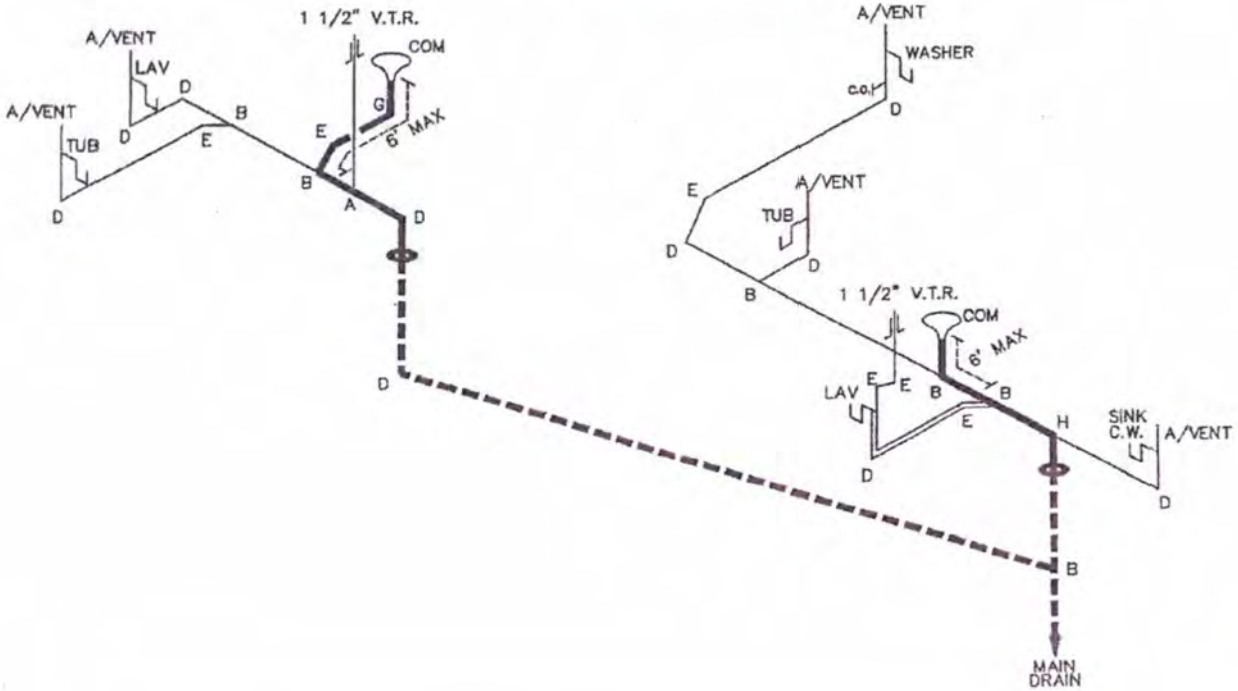
OPT. M-BATH



APPROVED HWG APPROVED

APR 12 2012
FP-28-3859.

Federal Manufactured Home Construction And Safety Standards



1,264 SQ.FT. (STD PLAN "CONDITIONED")
N/A SQ.FT. (W/OPT. PORCH/RECESS "CONDITIONED")

CMH MANUFACTURING	Model #: KEY28483A	Drawing #: 29M079
	Date: 5/15/12 Scale: NTS	
Product Designer: Hubing	28 x 48 Key Stone	
D.W.V. and Supply Lines		

THIS SCOPE OF WORK dated this 22 day of October, 2015, outlines what CMH homes Inc, DBA, Clayton Homes of Dover, the "Builder", has obligation to purchaser of 823 E. Loockerman Street, Dover, DE 19901, Tax parcel number ED-05-077.06-02.55.00-000

1. FOUNDATION. Builder is under contract to purchaser to install a block wall around the perimeter of the home, size 28 feet width by 48 feet length.
2. PORCH. Builder is under contract to purchaser to install 8ft porch with vinyl rails. The porch extension on the front will complete the overall length to 56 feet.
3. SIDING. Vinyl Siding will be completed onsite
4. ROOF. Asphalt Shingled roof will be completed on site
5. DRIVEWAY. Asphalt or Concrete driveway to be installed
6. TITLE. Title to home will be Class "C" Retired

Kara Prince, General Manager

Clayton Homes of Dover

Mullaney, Kristen N

From: knmullaney <knmullaney@yahoo.com>
Sent: Thursday, October 22, 2015 3:42 PM
To: Mullaney, Kristen N
Subject: Fwd: RE: 823 East Loockerman St.
Attachments: 15102211_52_24.pdf

Sent from my Verizon Wireless 4G LTE smartphone

-------- Original message --------
From: "Akers, Gregory C" <GAkers@dover.de.us>
Date: 22/10/2015 1:38 PM (GMT-05:00)
To: "Lanham, Betty" <Betty.Lanham@ClaytonHomes.com>, "Townshend, Ann Marie" <ATownshend@dover.de.us>
Cc: "McGregor, Mike" <MMcGregor@dover.de.us>, "Scott, Chris" <CScott@dover.de.us>, "Mangan, Angela M." <amangan@dover.de.us>, "Krueger, Debbie" <dkrueger@dover.de.us>, Kristen Mullaney <knmullaney@yahoo.com>
Subject: RE: 823 East Loockerman St.

15-1192

Good afternoon,

Thank you for expediting your response, it is very much appreciated.

I am requesting that the attachment be scanned to the existing permit application highlighted above.

Regards,

Greg Akers

From: Lanham, Betty [mailto:Betty.Lanham@ClaytonHomes.com]
Sent: Thursday, October 22, 2015 12:31 PM
To: Akers, Gregory C <GAkers@dover.de.us>; Townshend, Ann Marie <ATownshend@dover.de.us>
Cc: McGregor, Mike <MMcGregor@dover.de.us>; Scott, Chris <CScott@dover.de.us>; Mangan, Angela M. <amangan@dover.de.us>
Subject: Re: 823 East Loockerman St.

Please see attachment

Betty Lanham

Home Consultant

Clayton Homes #728

4679 N Dupont Hwy

Dover, DE 19901

www.claytondover.com

302-734-1740

From: Akers, Gregory C <GAkers@dover.de.us>
Sent: Thursday, October 22, 2015 11:15 AM
To: Townshend, Ann Marie
Cc: McGregor, Mike; Scott, Chris; Mangan, Angela M.; Lanham, Betty
Subject: RE: 823 East Loockerman St.

Correction – the date of the approved footings inspection was Wed, 10/21/15 (confirmed).

Regards,

Greg

From: Akers, Gregory C
Sent: Thursday, October 22, 2015 10:42 AM
To: Townshend, Ann Marie <atownshend@DOVER.DE.US>
Cc: McGregor, Mike <mmcgregor@DOVER.DE.US>; Scott, Chris <cscott@DOVER.DE.US>; Mangan, Angela M. <amangan@DOVER.DE.US>; 'betty.lanham@claytonhomes.com' <betty.lanham@claytonhomes.com>
Subject: 823 East Loockerman St.

Manufactured Home

823 East Loockerman St.

Good morning I just spoke with **CMH Homes 302.734.1740**) and inquired about the perimeter foundation, they (Christine and Betty) in turn put me in contact with Clayton Homes.

Below is that information-

Contact- Kara Prince **(Clayton Homes) 252.267.3577**

Ms. Prince described that *no vinyl skirting is proposed* once the dwelling is placed upon the permanent foundation (piers), that a continuous CMU (block) wall will be placed around the exterior.

My understanding is that more information is forthcoming in regard and as addendum to the existing permit (**15-1192**).

Inspection for the Pier footings was approved on 10/22/15 via field inspection by Mike McGregor Inspector II.

Regards,

Gregory C. Aben

CBI / Plans Examiner

Certified- IBC, IRC, IPMC

Member ICC, DBOA

City Hall - 15 Loockerman Plaza

Dover City, Delaware

East Loockerman St.

19901

Phone- 302.736.7010 *or extension* 7011

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CITY OF DOVER
PLANNING & INSPECTIONS
15 E LOOCKERMAN STREET
DOVER DE 19901

EXHIBIT 2B

Application Number . . . . . 15-00001192 Date 10/14/15
Property Address . . . . . 823 E LOOCKERMAN ST
Tax Map Number: ED-05-077.06-02-550.000-000
DRS from Location Master:
Tenant nbr, name . . . . . BETTY J HENRY
Application type description MANUFACTURED HOME
Subdivision Name . . . . . .
Property Use . . . . . .
Property Zoning . . . . . ONE FAMILY RESIDENCE
Application valuation 146102

Owner	Contractor
HENRY,ROBERT D & BETTY J	CMH HOMES INC
116 WINDING RIDGE RD	ATTN:RETAIL LICENSE DEPT
DOVER DE 19901	PO BOX 9790
	MARYVILLE TN 37802
	(302) 734-1740

Permit . . . . . BUILDING PERMIT
Additional desc . .
Permit Fee . . . . 1193.00 Plan Check Fee . . .00
Issue Date . . . . 10/14/15 Valuation 146102
Expiration Date . . 4/11/16

Qty	Unit Charge	Per		Extension
			BASE FEE	25.00
146.00	8.0000	THOU	COST $1001 UP TO 10 MILLION	1168.00

Special Notes and Comments
SMOKE AND CARBON MONOXIDE DETECTION DEVICES ARE REQUIRED PER THE ADOPTED BUILDING CODES.
2009 IRC (sections referenced from Appendix E Manufactured Housing Used as Dwellings. The criteria for the construction of manufactured homes are governed by the National Manufactured Housing Construction and Safety Act. While this act may seem to cover the bulk of the construction of manufactured housing, it does not cover those areas related to the placement of the housing on the property. The provisions of Appendix E are not applicable to the design and construction of manufactured

---

CALL(302)736-7010, 736-4457 or 736-7011
for scheduling inspections

Special Notes and Comments
homes. Appendix E provides a complete set of regulations in conjunction with federal law for the installation of manufactured housing. This appendix also contains provisions for existing manufactured home installations.
AE101.1 General. These provisions shall be applicable only to a manufactured home used as a single dwelling unit installed on privately owned (non rental) lots and shall apply to the following:
1. Construction, alteration and repair of any foundation system which is necessary to provide for the installation of a manufactured home unit.
2. Construction, installation, addition, alteration, repair or maintenance of the building service equipment which is necessary for connecting manufactured homes to water, fuel, or power supplies and sewage systems.
3. Alterations, additions or repairs to existing manufactured homes. The construction, alteration, moving, demolition, repair and use of accessory buildings and structures and their building service equipment shall comply with the requirements of the codes adopted by this jurisdiction. These provisions shall not be applicable to the design and construction of manufactured homes and shall not be deemed to authorize either modifications or additions to manufactured homes where otherwise prohibited.
Exception: In addition to these provisions, new and replacement manufactured homes to be located in flood hazard areas as established in Table R301.2(1) of the International

Special Notes and Comments
Residential Code shall meet the applicable requirements of Section R322 of the International Residential Code.
AE301.1 Initial installation. A manufactured home shall not be installed on a foundation system, reinstalled or altered without first obtaining a permit from the building official. A separate permit shall be required for each manufactured home installation. When approved by the building official, such permit may include accessory buildings and structures and their building service equipment when the accessory buildings or structures will be constructed in conjunction with the manufactured home installation.
AE302.1 Application. To obtain a manufactured home installation permit, the applicant shall first file an application in writing on a form furnished by the building official for that purpose. At the option of the building official, every such application shall:
1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use or occupancy for which the proposed work is intended.
4. Be accompanied by plans, diagrams, computations and specifications and other data as required in Section AE302.2.
5. Be accompanied by a soil investigation when required by Section

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Application Number . . . . . 15-00001192 Date 10/14/15

Special Notes and Comments
AE502.2.
6. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
7. Be signed by permittee, or permittee s authorized agent, who may be required to submit evidence to indicate such authority.
8. Give such other data and information as may be required by the building official.
AE302.2 Plans and specifications. Plans, engineering calculations, diagrams and other data as required by the building official shall be submitted in not less than two sets with each application for a permit. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such. Where no unusual site conditions exist, the building official may accept approved standard foundation plans and details in conjunction with the manufacturer's approved installation instructions without requiring the submittal of engineering calculations.
AE302.3 Information on plans and specifications. Plans and specifications shall be drawn to scale on substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and shown in detail that it will conform to the provisions of these provisions and all relevant laws, ordinances, rules and regulations. The building official shall determine what information is required on plans and specifications to ensure compliance.

Special Notes and Comments
AE305.1 General. All construction or work for which a manufactured home installation permit is required shall be subject to inspection by the building official, and certain types of construction shall have continuous inspection by special inspectors as specified in Section AE306. A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans. It shall be the duty of the permit applicant to cause the work to be accessible and exposed for inspection purposes. Neither the building official nor this jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.
AE305.2 Inspection requests. It shall be the duty of the person doing the work authorized by a manufactured home installation permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official. It shall be the duty of the person requesting any inspections required either by these provisions or other applicable codes to provide access to and means for proper inspection of such work.
AE305.3 Inspection record card (and or Permit). Work requiring a manufactured home installation permit shall not be commenced until the permit holder or the permit holder s agent shall have posted an inspection record card in a

Special Notes and Comments
conspicuous place on the premises
and in such position as to allow the
building official conveniently to make
the required entries thereon regarding
inspection of the work. This card shall
be maintained in such position by the
permit holder until final approval has
been issued by the building official.
AE305.4 Approval required. Work shall
not be done on any part of the
manufactured home installation beyond
the point indicated in each successive
inspection without first obtaining the
approval of the building official. Such
approval shall be given only after an
inspection has been made of each
successive step in the construction as
indicated by each of the inspections
required in Section AE305.5. There shall
be a final inspection and approval of
the manufactured home installation,
including connections to its building
service equipment, when completed and
ready for occupancy or use.
AE305.5 Required inspections.
AE305.5.1 Structural inspections for the
manufactured home installation.
Reinforcing steel or structural
framework of any part of any
manufactured home foundation system
shall not be covered or concealed
without first obtaining the approval of
the building official. The building
official, holder s agent, shall make the
following inspections and
shall either approve that portion of the
construction as completed or shall
notify the permit holder or the permit
holder s agent wherein the same fails to
comply with these provisions
or other applicable codes:
1. Foundation inspection: To be made

Special Notes and Comments
after excavations for footings are completed and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except where concrete from a central mixing plant (commonly termed transit mixed) is to be used, the concrete materials need not be on the job. Where the foundation is to be constructed of approved treated wood, additional framing inspections as required by the building official may be required.
2. Concrete slab or under-floor inspection: To be made after all in-slab or under floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is poured or the manufactured home is installed.
3. Anchorage inspection: To be made after the manufactured home has been installed and permanently anchored.
AE305.5.2 Structural inspections for accessory building and structures. Inspections for accessory buildings and structures shall be made as set forth in this code. AE305.5.3 Building service equipment inspections. All building service equipment which is required as a part of a manufactured home installation, including accessory buildings and structures authorized by the same permit, shall be inspected by the building official. Building service equipment shall be inspected and tested as required by the applicable codes. Such inspections and testing shall be limited to site construction

Special Notes and Comments
and shall not include building service equipment which is a part of the manufactured home itself.
No portion of any building service equipment intended to be concealed by any permanent portion of the construction shall be concealed until inspected and approved. Building service equipment shall not be connected to the water, fuel or power supply or sewer system until authorized by the building official.
AE305.5.4 Final inspection. When finish grading and the manufactured home installation, including the installation of all required building service equipment, is completed and the manufactured home is ready for occupancy, a final inspection shall be made.
AE305.6 Other inspections. In addition to the called inspections specified above, the building official may make or require other inspections of any construction work to as certain compliance with these provisions or other codes and laws which are enforced by the code enforcement agency.
AE305.5.3 Building service equipment inspections. All building service equipment which is required as a part of a manufactured home installation, including accessory buildings and structures authorized by the same permit, shall be inspected by the building official. Building service equipment shall be inspected and tested as required by the applicable codes. Such inspections and testing shall be limited to site construction and shall not include building service equipment which is a part of the

Special Notes and Comments
manufactured home itself.
No portion of any building service equipment intended to be concealed by any permanent portion of the construction shall be concealed until inspected and approved. Building service equipment shall not be connected to the water, fuel or power supply or sewer system until authorized by the building official.
AE305.5.4 Final inspection. When finish grading and the manufactured home installation, including the installation of all required building service equipment, is completed and the manufactured home is ready for occupancy, a final inspection shall be made. AE305.6 Other inspections. In addition to the called inspections specified above, the building official may make or require other inspections of any construction work to as certain compliance with these provisions or other codes and laws which are enforced by the code enforcement agency.
FOUNDATION SYSTEMS
Footings and foundations. Footings and foundations, unless otherwise specifically provided, shall be constructed of materials specified by this code for the intended use and shall in all cases extend below the frost line (24 inches).
Piers and bearing walls shall be supported on masonry or concrete foundations or piles which shall be of sufficient capacity to support all loads. Drainage. Provisions shall be made for the control and drainage of surface water away from the manufactured home.
PIER CONSTRUCTION

CITY OF DOVER
PLANNING & INSPECTIONS
15 E LOOCKERMAN STREET
DOVER DE 19901

Application Number . . . . . 15-00001192 Date 10/14/15

Special Notes and Comments
General. Piers shall be designed and constructed to distribute loads evenly. Spacing of piers shall be as specified in the manufacturer s installation instructions.
THE ADDITION OF PLUMBING FIXTURES MAY REQUIRE THE ASSESSMENT OF SEWER AND WATER IMPACT FEES. IMPACT FEES ARE ASSESSED UPON APPLICATION FOR A CERTIFICATE OF OCCUPANCY AND MUST BE PAID PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY AMT 4/17/13
September 21, 2015 9:39:11 AM tnh.
Permit is for the construction of a manufactured mobile home to be placed on a block foundation that is a permitted use in the R-8 zoning district. The house complies with the maximum building height. The house shall not encroach within any of the required setbacks. A Certificate of Occupancy shall not be issued if the house encroaches within the setback. The property has a maximum lot coverage requirement of 35%. The lot coverage for the building, driveway and the porch have a combined total of 2,375 SF or 23% lot coverage.
September 18, 2015 2:56:15 PM jal.

New house construction shall be in strict accordance to the approved subdivision plan. Per the Water / Wastewater Handbook, all new construction projects are required to bring the component of the water and wastewater service to be installed to current standards and specifications.

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	1193.00	1193.00	.00	.00
Plan Check Total	.00	.00	.00	.00
Grand Total	1193.00	1193.00	.00	.00

CALL(302)736-7010, 736-4457 or 736-7011
for scheduling inspections

EXHIBIT 2C

The City of Dover

Certificate of Occupancy

PERMANENT

Issue Date 12/02/2015

Parcel Number. ED-05-077.06-02-550.000-000
Property Address . . . . 823 E LOOCKERMAN ST

Owner. . . . . REDLICH, BRENDA

Contractor . . . . . CMH HOMES INC

Application year-number 15-00001192

Approved . . .

A Townsend
Building Official

12/2/15
Date

VOID UNLESS SIGNED BY BUILDING OFFICIAL

C/O Checklist (Residential)

Completed by: KM

Address: 829 E Lockerman St

Done	Inspection	Date	Notes
✓	Building Final	12/3/15@10	
	Plumbing Final		
✓	Mechanical Final		
✓	Planning Final	~~12/3/15~~ 12/2/15@2:30	12/2/15 Tracy
✓	C/O Forms prepared & emailed		
	Temp C/O Affidavit prepared (if needed)		
✓	Public Works approval	12/3@10	
✓	Meter Pit approval	~~12/3/15~~	11-15-15
✓	Impact Fees paid	10/10/15	
✓	C/O Fee paid		

retire title (letter)

40.00

APPLICATION FOR CERTIFICATE OF OCCUPANCY

NO _____

DATE 10/16/15

Application is hereby made for a Certificate of Occupancy for the proposed structure located:

On 823 E Lockerman St Street/Rd Lot ____ Development _____

To be used as SFH

Property is now zoned as R-8 This is a (non) conforming use.

Owner's Name Betty & Robert Henry

Owner's Address 116 Winding Ridge Rd Dover DE 19901

Building Permit No 15-1192

Plumbing Permit No _____

Mechanical Permit No _____

Fire System Permit No _____

_____
Signature of Owner

IMPACT FEES PAID

DATE PAID 10/16/15 CHECK# 4100465

CITY SEWER 1900.00

CITY WATER 2100.00

COUNTY SEWER 2194.00

ADMIN: 110.00

TOTAL: 6304.00

CERTIFICATE OF OCCUPANCY APPLICATION FEE

TEMP C/O $ _____ CHECK# _____

PERM C/O $ 40.00 CHECK# 1005

STATE OF DELAWARE
THE CITY OF DOVER

Deponent being duly sworn, says that he is the owner or authorized agent for whom the requested Certificate of Occupancy is to be issued, and that all information given on this form by him is correct and that all work is or will be done in accordance with all State Laws and City of Dover Ordinances.

Sworn to this _____ day of _____ AD 20 _____

_____
Signature of Owner

Revised 5/19/2010

City of Dover

15-1192

August 20, 2015

Ms. Heather Estepp
Clayton Homes
4679 N DuPont Hwy
Dover, DE 19901
P: 302-734-1740
E: heather.estepp@claytonhomes.com

RE: CITY OF DOVER WATER / WASTEWATER SERVICE QUOTE
823 East Loockerman Street Dover, DE 19901
Tax Parcel # ED05-077.06.02-55.00

Dear Ms. Estepp,

In response to your inquiry, City of Dover water / wastewater is available to the above referenced property. There are, however, no existing service lines to this property from the City mains. The cost for the City to install these services would be as follows:

Item Description	Cost
Installation of a one inch (1") water service from the water main located on East Loockerman Street, up to and including a curb stop one foot (1') outside the right-of-way line: 25 LF @ $ 50.00/LF:	$1,250.00
Installation of a six inch (6") sewer lateral From the sewer main located in the alley way behind the property, up to and including a clean out one foot (1') outside the right-of way line: 10 LF @ $62.00/LF (minimum cost $675.00)	$675.00
City of Dover Sewer Impact Fee	$1900.00
City of Dover Water Impact Fee	$ 2100.00
Kent County Sewer Impact Fee	$2194.00
Administrative Fee	$110.00
TOTAL	$8229.00

Payment of the $1,925.00 for the tapping fees must be made at the City of Dover Customer Service Department, located at 5 E. Reed Street. They can be reached at 302-736-7035. Payment of the $6,304.00 for impact fees must be made at the City of Dover Planning and Inspections Division, located at 15 Loockerman Plaza. They can be reached at 302-736-7010. Each entity will notify our office once payment has been made. Utility instillation will not occur until the payment is received.

Per the City of Dover's Water/Wastewater Handbook, the owner shall secure a private plumber to connect the new service lines to the new resident structure. Please be aware that the fee for the plumbing permit is an additional cost. This permit is issued by the Department of Planning and Inspections located in City Hall, 15 East Loockerman Street. Your billing location will be reclassified to a water/sewer customer on the date of your application submission. If you have any questions or would like to discuss this matter further please feel free to contact me at your earliest convenience.

Sincerely,

Paul Thompson
Constructor Manager
City of Dover
Department Of Public Works
(302) 736-7029
Pthompson@dover.de.us

Cc: Jason Lyon, Water / wastewater Manager
Ralph McDougall, Water/Wastewater Maintenance Supervisor
Kathy Divver, Customer Service Supervisor
Kristen Mullaney, City of Dover Planning & Inspections

CONSTRUCTION AND LICENSING

CERTIFICATE OF OCCUPANCY
FINAL INSPECTIONS CHECKLIST
Commercial, Industrial & Multiple and Single Family Dwellings

OWNER ROBERT & BETTY HENRY DATE ~~12/3/15~~ 12/2/15 9:00AM ~~@ 10:00AM~~ KNM

ADDRESS / LOT 823 E LOOCKERMAN ST PERMIT# 15-1192

(P) 15-940 (M) _____

- ✓ Street or Bldg. No
- ✓ Final Electric
- Heater Emergency Cut-Off Switch
- ✓ Bathroom Venting
- ✓ Smoke Detectors
- ✓ Fuel Supply Shut Off
- ✓ Plumbing Fixtures
- ✓ Heater & A/C
- ✓ Water Heaters
- ✓ Exit Lights w/Battery
- ✓ Emergency Lights
- ✓ Exterior Finish
- ✓ Clean Out At House
- ✓ Sewer Cleanout
- ✓ Water Meter
- ✓ Meter Pit
- ✓ Curb Water Box
- ✓ Roof Venting
- Final Kent Conservation District
- ✓ Sidewalk & Streets Complete Front
- ✓ Handicapped Spaces
- ✓ License Required
- Other

_____ DATE

_____ Building Inspector

Items Acceptable for Temporary C/O

Length of Time _____ Days

Final C/O Date: 12/2/15 Mike McGregor Building Inspector

RESIDENTIAL CERTIFICATION OF OCCUPANCY FOR LANDSCAPING

KNM

OWNER ROBERT & BETTY HENRY DATE 12/3/15 @ 10:00AM

ADDRESS / LOT 823 E LOOCKERMANST PERMIT# 15-1192

_____ Tree Placement

_____ Proper Clearing Lines

_____ Percentage of Subdivision Complete

Other Conditions of Planning Commission Approval:

Items to be corrected:

Temporary C/O issued for _____Days Date _____

Planner

Remarks: _____

Final C/O issued Planning Date 12/2/15

Planner

Revised 2/24/14

DEPARTMENT OF PUBLIC WORKS

CERTIFICATE OF OCCUPANCY FINAL CHECKLIST
Commercial, Industrial, Multiple & Single Family Dwellings

OWNER ROBERT & BETTY HENRY DATE 12/3/15

ADDRESS / LOT 823 E LOOCKERMAN ST PERMIT# 15-1192

	1.	**WATER MAINS** - *Hydrostatic and bacteriological testing and placed into service*
	2.	**FIRE HYDRANTS** - *Hydrostatic and bacteriological testing COMPLETED. Proper elevations and orientation and placed into service.*
	3.	**FIRE MAINS** – *Installed with proper anchorage, hydrostatic and bacteriological testing complete.*
	4.	**SEWER MAINS and MANHOLES** – *Installed to proper grades, mirror, air and infiltration testing completed*
	5.	**WATER & SEWER SREVICES** – *CURB STOP aligned over valve and adjusted to finish grade. WATER METER pit adjusted to finish grade and inspected and accepted by Public Utility water serviceman. SEWER CLEANOUT adjusted to finish grade with proper cap installed.*
	6.	**RIGHT-OF-WAY STORM DRAINAGE** – *CATCH BASINS inspected for infiltration and flow channels. DRAINAGE PIPES installed IAW the approved site plans, verified clean and no visible leaks.*
	7.	**PUBLIC ROAD CONSTRUCTION** – *Subbase proof rolled prior to installing stone base. Stone base installed to proper depth and proof rolled prior to installation of base asphalt. Base asphalt installed at required thickness and repairs made prior to installing final wearing course. After final wearing course of asphalt ensure asphalt is removed from valve boxes and manhole covers.*
	8.	**CURBS, SIDEWALKS & AND DRIVEWAY APRONS** – *Verify installation across entire lot or site IAW ADA and City Standards.*
	9.	**MAINTENANCE BOND IN PLACE**

☒ Interior Building renovation, no Public Works involvement.

☐ Due to Health and Safety issues, the Department of Public Works **DOES NOT RECOMMEND** issuance of a certificate of occupancy at this time.

☐ Recommend a Temporary certificate of occupancy be issued for _____ days. All items identified must be completed by _____.

☐ Recommend a final certificate of occupancy be issued.

Public Works Inspector _____ Date _____

Public Works Construction Manager Paul Hy Date 12/1/15

COMMENTS ON REVERSE

REVISED 053013

Mangan, Angela M.

From: ONeal, Carolee
Sent: Wednesday, December 02, 2015 9:52 AM
To: Mullaney, Kristen N; Heesh, Carol
Cc: Mangan, Angela M.; Krueger, Debbie
Subject: RE: Final CO - 823 E Loockerman St

Kristen,

The meter was previously inspected by Jeff Brown on 11/5/2015 and passed.

Thanks.
Carolee O'Neal
Administrative Assistant
City of Dover
Public Works Department
(302) 736-7026
coneal@dover.de.us

From: Mullaney, Kristen N
Sent: Wednesday, December 02, 2015 9:47 AM
To: ONeal, Carolee; Heesh, Carol
Cc: Mangan, Angela M.; Krueger, Debbie
Subject: RE: Final CO - 823 E Loockerman St

I apologize; I gave you the wrong date for this inspection. The inspection was moved to Wednesday the 2nd at 9:00am not the 3rd. Is there any way that this can be done today?

From: ONeal, Carolee
Sent: Tuesday, December 01, 2015 1:54 PM
To: Mullaney, Kristen N; Heesh, Carol
Cc: Mangan, Angela M.; Krueger, Debbie
Subject: RE: Final CO - 823 E Loockerman St

Inspection is scheduled for December 3 @ 8:30 a.m.

Thanks.
Carolee O'Neal
Administrative Assistant
City of Dover
Public Works Department
(302) 736-7026
coneal@dover.de.us

From: Mullaney, Kristen N
Sent: Tuesday, December 01, 2015 1:51 PM
To: Heesh, Carol; ONeal, Carolee
Cc: Mangan, Angela M.; Krueger, Debbie
Subject: RE: Final CO - 823 E Loockerman St

This inspection was moved to **Wednesday, December 3, 2015 @ 9:00am**. Thanks!

From: Mullaney, Kristen N
Sent: Tuesday, December 01, 2015 9:30 AM
To: Heesh, Carol; ONeal, Carolee
Cc: Mangan, Angela M.; Krueger, Debbie
Subject: Final CO - 823 E Loockerman St

There is a final CO inspection scheduled for 823 E Loockerman St on Thursday, December 3, 2015 @ 10:00am. Thanks

<u>Exhibit 3A</u> – *Zoning Ordinance* excerpt for R-8 zone. (Text in place at the time of Building Permit Application filing in September 2015.)

ARTICLE 3. - DISTRICT REGULATIONS
Section 1. One-family residence zones [(R-20, R-15, R-10, R-8 and R-7)}.
(R-20, R-15, R-10, R-8, R-7.) (See also article 5, Supplementary Regulations; and article 6, Off-Street Parking, Driveways and Loading Facilities.)

1.1 *Uses permitted.* In a one-family residence R-20, R-15, R-10, R-8 and R-7 zones, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

1.11 The raising of field and garden crops, vineyards and orchard farming, the maintenance of nurseries, and the seasonal sale of the products thereof, provided no building is erected and signs conform with article 5, section 4.

1.12 One-family detached dwellings, not to exceed one such dwelling per lot.

1.13 Public buildings, structures and uses, including parks and playgrounds, subject to approval of site plans by the planning commission in accordance with article 10, section 2.

1.14 The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in section 10.1 and to any specified requirements set forth below:

(a) Places of worship, including parish houses; [and] schools, including nursery schools, kindergartens and day care centers in accordance with article 5, Supplementary Regulations, section 14. Day care facilities; philanthropic and eleemosynary institutions; hospitals and sanitariums for general medical care; and funeral homes subject to the following requirements:

i. Any school permitted under this paragraph [subsection 1.14(a)] shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively as such thereunder.

ii. Any school permitted under this paragraph [subsection 1.14(a)], other than a kindergarten, nursery school, or day care center, shall occupy a lot with an area of not less than two acres, plus one acre for each 100 pupils for which the building is designed.

iii. Any kindergarten or nursery school permitted under this paragraph [subsection 1.14(a)] shall be limited to a maximum of 50 children in zones R-8 thru R-20 and a maximum of 100 children in all other zones. At least 100 square feet of outdoor play space per child shall be provided. Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land unsuited by other usage or natural features for children's active play space. Fencing or other enclosures shall be a minimum height of four feet. The minimum lot

area for each ten, or remainder over the multiple of ten, children shall be the same as the minimum lot area requirement for each dwelling unit in the districts in which such uses are to be located.

iv. No such building or part thereof shall be erected with less than a 50-foot front yard or nearer than 25 feet from any other street or property line.

v. The sum of all areas covered by all principal and accessory buildings shall not exceed 20 percent of the area of the lot.

vi. Courts shall conform to the requirements of article 5, section 3 hereof.

(b) Railroad and public utility rights-of-way and structures necessary to serve areas within the city, subject to such conditions as the planning commission may impose in order to protect and promote the health and safety and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed.

(c) Country clubs or other annual membership clubs, catering exclusively to members and their guests, and accessory private playgrounds, golf courses, swimming pools, tennis courts and recreation buildings not conducted as business enterprises, provided that the following operations shall be prohibited:

i. Outdoor entertainment, live or mechanical;

ii. The use of outdoor public address systems for any purpose; and

iii. Exterior lighting producing glare at the lot line other than that essential for the safety of the users of the premises.

No building erected under the provisions of this paragraph [subsection 1.14(c)] shall be so erected nearer than 50 feet to any street or property line.

1.15 Accessory uses, limited to the following:

(a) Professional office or studio of an artist, dentist, musician, teacher, or physician, but not including veterinarians, provided that:

i. Such office or studio is incidental to the residential use of the premises and is carried on by a resident thereon with not more than one nonresident assistant; and

ii. Such office or studio shall occupy not more than 30 percent of the area of one floor of the main building.

iii. Studios where dancing or music instruction is offered to groups in excess of four pupils at one time or where concerts or recitals are held are prohibited.

iv. Medical centers, barbershops, beauty parlors, real estate offices, funeral homes or similar uses shall not be considered permitted accessory uses.

(b) Garden house, tool house, playhouse, greenhouse or pool incidental to the residential use of the premises and not operated for gain.

(c) Private garage, provided that, in the case of a one-family dwelling, such garage shall have a capacity of not more than three passenger automobiles. One such space may be leased to a person not [a] resident on the premises.

(d) Keeping domestic animals (except pigs) for individual domestic purposes or as pets, provided not more than three dogs over six months old and not more than 25 fowl shall be permitted, and no animals (except dogs) or fowl shall be penned or housed within 20 feet of any lot line.

(e) (Reserved.)

(f) Dormitories accessory to schools, provided that such dormitories conform to the bulk regulations of the RG-1 zone. For purposes of computing bulk requirements, each four rooms shall be considered one dwelling unit. Parking shall be calculated as identified in Article 6—Off-Street Parking, Section 3—Required off-street parking spaces, Paragraph 3.1—Schedule of requirements.

(g) Customary home occupations, provided that:

i. No display of products, goods and/or signs shall be visible from the street.

ii. Such home occupation shall be incidental and secondary to the residential use of the premises and shall be conducted in the principal building by the resident or residents that reside therein.

iii. Nonresident assistants or co-workers shall be prohibited.

iv. Such home occupation shall not occupy more than 30 percent of the area of one floor in the principal building.

v. There shall be no exterior effect such as noise, traffic, odor, dust, smoke, gas, fumes, radiation, or electromagnetic interference.

1.16 [1.2] *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

1.17 [1.3] *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

1.18 [1.4] [*Closed zone.*] Zone R-7 is a closed zone in accordance with article 10, section 5.19.

1.19 [1.5] [*Signs.*] Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

(Ord. of 1-8-1979; Ord. of 5-14-1990; Ord. of 12-14-1992(2); Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. No. 2009-12, 9-14-2009; Ord. No. 2011-21, 10-10-2011)

<u>Exhibit 3B</u> – *Zoning Ordinance* excerpt of Definitions. (Text in place at the time of Building Permit Application filing in September 2015.)

- **Dwelling, detached**
- **Dwelling, one family**
- **Dwelling unit**
- **Trailer, house**

ARTICLE 12. - DEFINITIONS

Unless otherwise expressly stated, the following terms shall, for the purpose of this ordinance, have the following meanings. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "person" includes a corporation, association or partnership, as well as an individual. The word "lot" includes the word "plot." The term "occupied" or "used," as applied to any building, shall be construed as though followed by the words "or intended, arranged or designed to be occupied or used":

Dwelling, detached: A dwelling having no walls in common with other dwellings or with nonresidential uses.

Dwelling, one-family: A dwelling unit designed and intended for use by only one family.

Dwelling unit: A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit. A boarding[house] or roominghouse, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging, nursing, or other similar home, house trailer, or other similar structures or vehicles shall not be deemed to constitute a dwelling unit.

Trailer, house: Any vehicle mounted on wheels, movable either by its own power or by being drawn by another vehicle, and equipped to be used for living or sleeping quarters or so as to permit cooking. The term “house trailer” shall include vehicles if mounted on temporary or permanent foundations with the wheels removed.

<u>Exhibit 3C</u> – *Zoning Ordinance* excerpt for Site Development Plan, Building Permit and Certificate of Occupancy Procedures.

- **Article 10 Section 2 – Site Development Plan Approval, Sections 2.1, 2.2, and 2.3**
- **Article 8 Section 1 – Building Permits, Section 2 – Certificates of Occupancy, and Section 3 – Duties of the City Planner**

ARTICLE 10 PLANNING COMMISSION

Section 2. - Site development plan approval.

2.1 *Required.* Site development plan approval shall be required for the erection or enlargement of all structures and the establishment of any use for which site development plan approval is required by this ordinance. Site development plan shall be required according to the following criteria:

2.11 *Planning commission site plan review.* Site development plans shall be subject to review and approval by the planning commission if they meet the following thresholds:

(A) *New structures.* Site plans for new structures of 5,000 square feet or greater in floor area; or

(B) *Additions to existing structures.* Site plans for additions to existing structures that (1) constitute 15 percent or more of the existing floor area, and (2) new floor area is greater than 5,000 square feet; or

(C) *Additions of impervious surface.* Site plans that propose new or additional impervious surfaces that (1) constitute 15% or more of the existing impervious surface area and (2) are equal to or greater than 5,000 square feet of impervious surface; or

(D) *Adjacent to residential.* Nonresidential site plans with site disturbance greater than 2,500 square feet and adjacent to residential uses or residential zones.

2.12 *Site development master plan.* Site development master plans shall be subject to review and approval by the planning commission in accordance with subsection 2.44.

2.13 *Zoning review.* For site development plans involving construction of a single-family detached, single-family attached, or single-family semidetached dwelling; an accessory structure; or a nonresidential change of use for which no building addition or increase in impervious surface is proposed, the city planner or his designee may approve the site development plan in conjunction with building permit review.

2.14 *Administrative site plan.* All site development plans that do not meet the thresholds for zoning review in accordance with subsection 2.13 or planning commission site plan review in accordance with subsection 2.11 shall be reviewed as administrative site development plans.

2.2 *Objectives.* In considering and acting upon site development plans, the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular shall be taken into consideration and appropriate

conditions and safeguards may be prescribed as may be required that the results of approval may, to the maximum extent possible, further the expressed intent of this ordinance and the accomplishment of the following objectives in particular:

2.21 Maximum safety and convenience of vehicular, transit, bicycle, and pedestrian traffic by ensuring that all proposed and impacted streets, driveways and walkways are adequate, but not excessive in number, adequate in width, grade, alignment, capacity, and visibility, and suitably located, particularly with respect to their connections with public streets.

2.22 The provision of adequate access to all proposed structures, equipment, or material on the site for fire, ambulance, police, and other emergency services.

2.23 The provision of adequate off-street parking to accommodate the vehicles of persons connected with or visiting the use and to obviate the parking of such vehicles in public streets.

2.24 A site layout (including the location, power, direction, and time of any outdoor lighting of the site) which would have no adverse effect upon adjacent properties.

2.25 Landscaping of the site in a manner which is in character with that generally prevailing in the neighborhood and which provides reasonable screening, at all seasons of the year, of all playgrounds, parking areas, and service areas from the view of adjacent residential properties and streets.

2.26 In applicable cases, a drainage system and layout which would afford the best solution to any drainage problems.

2.27 Ensure that large scale development projects involving extended construction periods are planned and implemented in accordance with an approved site development master plan.

2.28 Consideration shall be given to the physical orientation and architectural characteristics of proposed buildings, the relationship of proposed buildings to existing buildings and to other proposed buildings, and their contributions to the overall image of the immediate vicinity by considering the building and architectural design guidelines as set forth in article 5, section 19. Design characteristics of proposed buildings and building additions shall not detract or devalue existing buildings in the immediate vicinity.

(A) If the planning commission determines that the proposed physical orientation and architectural characteristics of the proposed buildings do not meet the intent and objectives of this section, then the planning commission shall refer the proposal to the architectural review oversight subcommittee for review and comment.

(B) The subcommittee shall meet and review the proposal with the applicant, and return its comments to the planning commission by the next regularly scheduled meeting.

(C) The architectural review oversight subcommittee shall be appointed by the commission at its annual meeting, and membership shall consist of two planning commission members, and two design professionals with experience in construction, and the mayor or the mayor's designee. Two alternate design professionals with experience in construction shall also be appointed.

2.3 *Effect of site development plan approval.* No building permit will be issued for any structure covered by this section until an approved site development plan or approved

amendment of any such plan has been secured by the applicant. No certificate of occupancy will be issued for any structure or use of land covered by this section unless the structure is completed or the land is developed or used in accordance with an approved site development plan or approved amendment of any such plan.

ARTICLE 8. - ENFORCEMENT AND PENALTIES

Section 1. - Building permits.

No building or structure in any district shall be erected or structurally altered without a building permit duly issued upon application to the building inspector. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of this ordinance. Any building permit issued in violation of the provisions of this ordinance shall be null and void and of no effect, without the necessity for any proceedings for revocations or nullification thereof, and any work undertaken or use established pursuant to any such permit shall be unlawful (see section 4 for penalties).

1.1 No building permit shall be issued for the construction or alteration of any building upon a lot without frontage upon, or legal permanent access to, a public street improved to the satisfaction of the planning commission, or without access to a public sewer.

1.2 No building permit shall be issued for any building where the site development plan of such building is subject to approval by the planning commission, except upon approval of such plans approved by the said commission.

1.21 No building permit shall be issued for any building in a subdivision unless the subdivision plot has been approved by the planning commission.

1.3 No building permit shall be issued for a building to be used for any conditional use in any zone where such use is allowed only with approval of the planning commission, unless and until such approval has been duly granted by the said commission.

(Ord. of 7-12-1993, §3)

Section 2. - Certificates of occupancy.

The following shall be unlawful until a certificate of occupancy shall have been applied for and issued by the building inspector:

a. Occupancy and use of a building hereafter erected, structurally altered or moved, or any change in the use of an existing building;

b. Occupancy, use or any change in the use of any land; and

c. Any change in use of a nonconforming use.

2.1 No certificate of occupancy shall be issued for any conditional use of a building or of land requiring approval of the planning commission as specified in article 10, section 1 of this ordinance, unless and until such conditional use has been duly approved by said commission. Every certificate of occupancy for a conditional use or in conformance with a duly granted variance granted by the board of adjustment shall contain a detailed statement of such conditional use or variance and of any conditions to which the same is subject.

2.2 Application for [a] certificate of occupancy, on a form furnished by the building inspector, of a new building or for an existing building which has been altered, shall be made after the erection of such building or part thereof has been completed in conformity with the provisions of this ordinance and, in the case of a new building, shall be accompanied by an accurate survey, prepared by a licensed land surveyor, showing the location of all buildings as built. Such certificate shall be issued within ten days after receipt of said application, but only provided all requirements of this ordinance and of all other applicable codes and ordinances in effect are complied with.

2.3 If the proposed use is in conformity with the provisions of this ordinance and of all other applicable laws and ordinances, a certificate of occupancy for the use of vacant land or for a change of use of a nonconforming use shall be issued by the building inspector within ten days after receipt of a written application therefore. If the certificate of occupancy is denied, the building inspector shall state the reasons therefore [therefor] in writing.

2.4 Every application for a certificate of occupancy or a temporary certificate of occupancy shall be accompanied by a fee as provided for in Appendix F—Fees and Fines.

2.5 Every application for a certificate of occupancy shall state that the building or the proposed use of a building or land complies with all applicable provisions of this ordinance.

2.6 A certificate of occupancy shall be required for both initial and continued occupancy and use of the building or land to which it applies, as certified.

2.7 A certificate of occupancy shall be required of all nonconforming uses.

2.71 Such certificate shall specify each condition or use not conforming with this ordinance.

2.72 Such a certificate shall expire after 12 months, unless renewed.

2.73 A new certificate shall be required if there is any change in use or ownership from that specified.

2.74 The building inspector shall renew or reissue such a certificate if inspection establishes that no provision of this ordinance has been violated.

2.8 A record of all certificates of occupancy shall be kept in the office of the building inspector and copies shall be furnished, [up]on request, to any agency of the city or to any persons having a proprietary or tenancy interest in the building or land affected.

(Ord. of 7-12-1982, § 6; Ord. of 5-11-1987; Ord. No. 2009-09, 6-22-2009)

Section 3. - Duties of the city planner.

3.1 It shall be the duty of the city planner to enforce the provisions of this ordinance and all of the rules, conditions and requirements adopted or specified pursuant thereto.

3.2 It shall be the duty of the city planner to interpret the provisions of this ordinance. Appeals of the city planner(s interpretation shall be heard by the board of adjustment in accordance of article 9.

3.3 The city planner shall maintain files, open to the public, of all applications filed, along with plans submitted therewith pursuant to this appendix.

3.4 The city planner shall maintain files, open to the public, of all complaints of violations of provisions of this of this ordinance, as well as any action taken as a result of this complaint. The names of complainants shall not be open to the public.

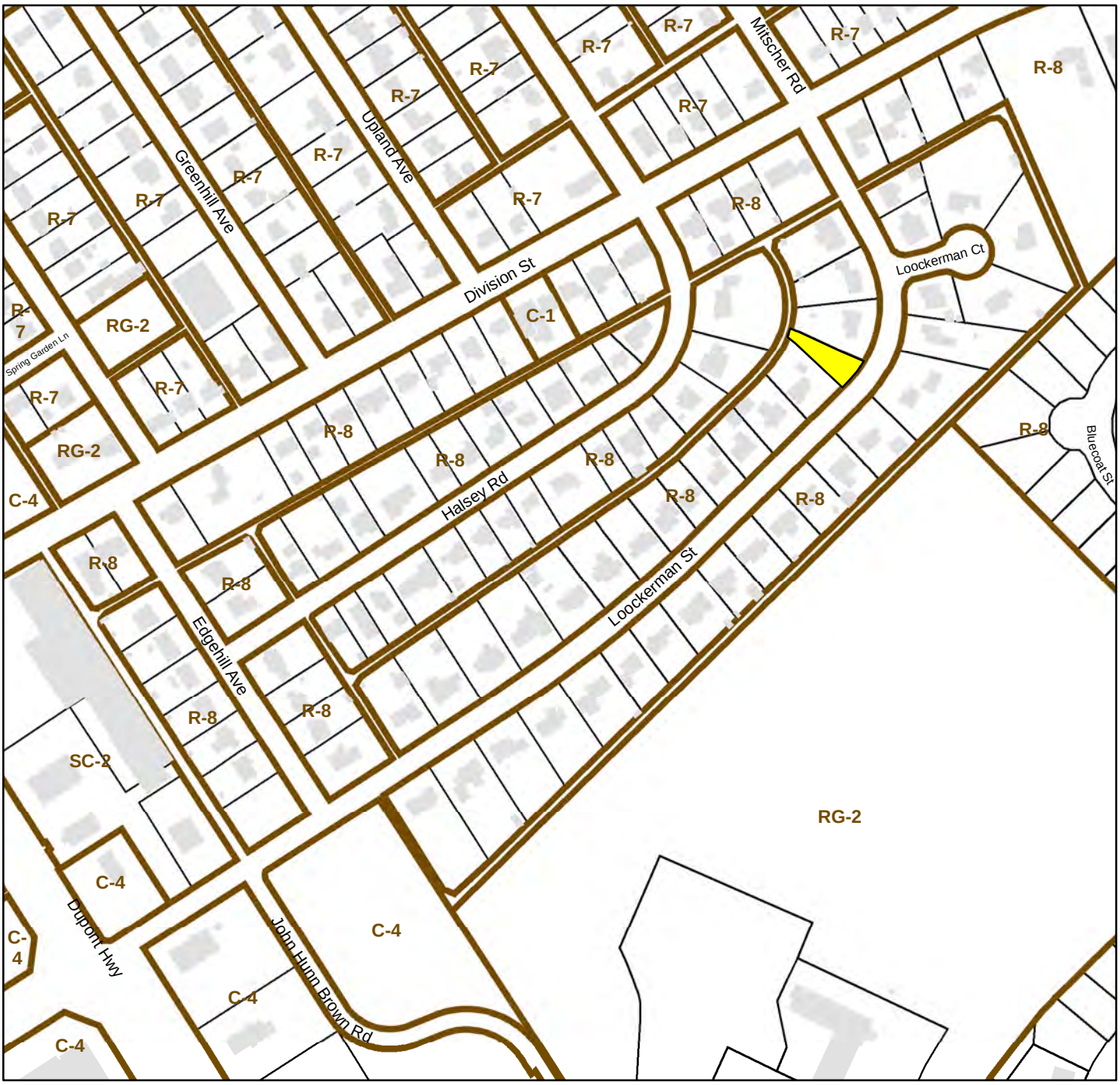
3.5 The city planner and his duly authorized assistants shall have the right to enter upon any land that is the subject of an application under this appendix during any reasonable hour, as necessary in the execution of the requirements of this appendix.

(Ord. of 4-28-2008(2))

City of Dover

Department of Planning & Inspections

Application No.: V-16-15



Title: Georgia Heininger-Trader Appeal for
Address: 823 E Loockerman St
Parcel ID: ED-05-077.06-02-55.00-000
Zoning: R-8
Owner: Brenda Redlich
Date: 10/31/2016

Legend

- Subject Property
- Dover Parcels
- Zoning
- 2012 Buildings

N W E S

0 175 350 700 Feet

MEMORANDUM

Department of Planning & Inspections
P.O. Box 475
Dover, Delaware 19903
Phone: 302.736.7196 Fax: 302.736.4217

Date: November 9, 2016

To: Board of Adjustment

From: Ann Marie Townshend, AICP, Director of Planning & Community Development

RE: 823 East Loockerman Street – Planning Office Response to Appeal

---

You are in receipt of an appeal from Georgia Heininger-Trader of the building permit issued for construction of a manufactured home at the location of 823 East Loockerman Street in Dover. The appeal contends that the building permit was issued in conflict with the *Zoning Ordinance*. Please accept the following as a response to the allegations made in the appeal.

The property at 823 East Loockerman Street is zoned R-8 (One Family Residence Zone). To determine if a given use is permitted, staff refers to the permitted uses listed in the *Zoning Ordinance*, Article 3 – District Regulations, Section 1. Based on this section "one-family detached dwellings" are a permitted use.

Staff then referenced the *Zoning Ordinance*, Article 12 – Definitions. To make the determination that the permit requested was permitted by the *Zoning Ordinance*, staff reviewed the following definitions:

> Dwelling, detached: A dwelling having no walls in common with other dwellings or with nonresidential uses.
>
> Dwelling, one-family: A dwelling unit designed and intended for use by only one family.
>
> Dwelling unit: A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit. A boarding[house] or roominghouse, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging, nursing, or other similar home, house trailer, or other similar structures or vehicles shall not be deemed to constitute a dwelling unit.
>
> Trailer, house: Any vehicle mounted on wheels, movable either by its own power or by being drawn by another vehicle, and equipped to be used for living or sleeping quarters or so as to permit cooking. The term "house trailer" shall include vehicles if mounted on temporary or permanent foundations with the wheels removed.

Based on our review of these definitions, we determined that a manufactured home is not a "house trailer" by definition (as it is not mounted on wheels), and that a manufactured home met the definition of a one family detached dwelling at the time the permit was issued.

The appeal references the Chapter 66 – Manufactured Homes and Trailers, Section 66-3 – Real Property Taxes, which indicates that mobile homes "shall only be permitted to be located in the mobile home park zone (MPH), as spelled out in appendix B to this Code (article 3, section 8)." This language is located in the section of *Dover Code* that licenses manufactured homes. This section of code does not have the authority under *Delaware Code,* Title 22 - Municipalities, Chapter 3 – Municipal Zoning Regulations to regulate zoning. Provisions of Chapter 66 are not subject to Planning Commission review and public hearing and notice requirements that are required of zoning amendments.

The permit for the manufactured home at 823 East Loockerman Street was issued in September 2015. Following concerns raised by members of City Council, an ordinance was introduced on November 9, 2015 to amend the definition of "dwelling, one family" to prohibit future placement of manufactured homes or mobile homes in one family residence zones. City Council adopted this ordinance on January 11, 2016. This was followed by a thorough review and update of the provisions throughout the *Dover Code* that relate to manufactured housing, which City Council adopted on August 8, 2016.

In evaluating the definitions provided and the codes in place at the time the permit was issued, staff is confident that the permit was issued in accordance with the provisions of the *Zoning Ordinance*. As we evaluated this issue, we determined that the *Dover Code* has not been kept current with current terminology as it relates to manufactured homes and mobile homes. Manufactured housing has been regulated by standards developed by the U.S. Department of Housing and Urban Development in 1976.

Staff includes the following exhibits for the record:

- P&I #1 – Materials shared with City Council regarding manufactured homes following the issuance of the permit
- P&I #2 – Exhibit Map showing the distance between the appellant's property and the subject property.
- P&I #3 – Photos of the home at 823 E. Loockerman Street.

ACTION FORM

PROCEEDING: Council
DEPARTMENT OF ORIGIN: Planning and Inspections **DATE SUBMITTED**: October 30, 2015
PREPARED BY: Ann Marie Townshend, AICP, Director of Planning & Community Development
SUBJECT: Review of Chapter 66 - Manufactured Homes and Trailers and Appendix B - Zoning, Article 3 - District Regulations, Section 1 - One Family Residence Zones and Article 12 - Definitions
REFERENCE: N/A
RELATED PROJECT: N/A
REVIEWED BY: N/A
EXHIBITS: FAQ from U.S. Department of Housing and Urban Development (HUD) regarding manufactured housing; *Manufactured Housing in Delaware* (publication by Delaware State Housing Authority); Appendix B – Zoning, Article 3 – District Regulations, Section 1 – (One Family Residence Zones); Article 12 – Definitions for "Dwelling, one-family," "dwelling unit," and "dwelling, detached"
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: See recommendation.
RECOMMENDED ACTION: 1. Immediate term: Introduction of the ordinance to amend the definition of "dwelling, one-family" and to add definition for "manufactured home," with referral to the public hearing before the Planning Commission for December 21, 2015 and public hearing and action by City Council on January 11, 2016. 2. Next 6 -12 months: o Full review of *Dover Code of Ordinances*, Chapter 66 to determine what components of the chapter are relevant and should be retained, and what components should be eliminated. Any provisions that appear to regulate placement should be eliminated, as these requirements need to be in the *Zoning Ordinance*. o Full review of MHP (Mobile Home Park) Zone to ensure that the zone is current with best practices. o Full review of the Residential Zones and associated definitions. There are other areas that need to be tightened up to provide clarity on a number of matters that could affect the character of neighborhoods throughout the City.

BACKGROUND AND ANALYSIS

Following the issuance of a building permit for the construction of a manufactured home on a property within the R-8 (One Family Residence Zone), several residents and members of City Council expressed concerns about the appropriateness of this housing type within the One Family Residence Zones. Staff subsequently reviewed literature available about manufactured housing and has developed recommendations for amending the code to prohibit manufactured housing in the One Family Residence Zones and to update code requirements in the Dover Code of Ordinances, Chapter 66 – Manufactured Homes and Trailers, and Appendix B – Zoning. The recommendation is for an immediate amendment to the definition of "dwelling, one family" and a review and update of other code sections over the next year.

Staff recommends the following changes to the "dwelling, one family" definition in Appendix B, Article 12 -

Definitions (proposed changes identified in blue bold):

> *Dwelling, one-family*: A **permanent** dwelling unit **placed on a permanent foundation and** designed and intended for use by only one family**. One-family dwellings shall not include manufactured homes or mobile homes but shall include modular homes constructed to the standards of the Dover Code of Ordinances, Chapter 22 – Buildings and Building Regulations.**

Staff also recommends that the following definition be added to Appendix B, Article 12 – Definitions:

> *Manufactured Home*: A factory-built housing unit designed and constructed to meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code. A manufactured home is built on a chassis that supports the structural integrity of the home and to allow transport to the site. Factory-built units built to meet the HUD Code and constructed after the code took effect on June 15, 1976 are classified as "manufactured homes."

Frequently Asked Questions

What is a manufactured home?

A manufactured home (formerly known as a mobile home) is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis.

What is the difference between manufactured and modular homes?

Manufactured homes are constructed according to a code administered by the U.S. Department of Housing and Urban Development (HUD Code). The HUD Code, unlike conventional building codes, requires manufactured homes to be constructed on a permanent chassis. Modular homes are constructed to the same state, local or regional building codes as site-built homes. Other types of systems-built homes include panelized wall systems, log homes, structural insulated panels, and insulating concrete forms.

What are my options for financing the purchase of a manufactured home?

There are many alternatives forfinancing your home, including a growing number of lending institutions that are providing conventional and government-insured financing plans for prospective owners. The most common method of financing a manufactured home is through a retail installment contract, available through your retailer. Some lending institutions that offer conventional, long-term real estate mortgages may require the homes to be placed on approved foundations. Manufactured homes are eligible for government-insured loans offered by the **Federal Housing Administration (FHA)**, the **Veterans Administration (VA)**, and the **Rural Housing Services (RHS)** under the U.S. Department of Agriculture.

For additional assistance, you may wish to contact HUD's **Housing Counseling Clearinghouse**. HUD-approved housing counseling agencies provide housing counseling to renters, first-time buyers, and homeowners. Homeowners with problems that could result in default of their mortgage or foreclosure on their property need to contact a HUD-approved housing counseling agency immediately. HUD's Housing Counseling Clearinghouse operates a toll-free 24-hour-a-day automated voice response system that provides referrals to local housing counseling agencies, at (800) 569-4287. Referrals are also available to Spanish-speaking consumers.

Whom do I contact if my home was damaged during installation?

Retailers may contract with their customers for the installation of their homes, in which case the retailer is your first contact for installation-related problems. If the retailer does not arrange for the installation and you choose the installation contractor, you should contact the installer who performed the work. If you are not satisfied with the repair, contact the local authority/SAA having jurisdiction. It is important that all services related to the installation be listed separately in the contract.

What should I do if I'm having problems with my home and the Retailer and/or Manufacturer are no longer in business?

Contact your **SAA** or State agency that regulates manufactured home manufacturers or retailers. Your State may administer a bonding or recovery fund program for such instances.

My home was built before June 15, 1976. I've made some modifications to my home and believe it meets the HUD Standards. Can someone come inspect my home to make sure it's in compliance with the Standards?

HUD does not inspect homes. Homes built prior to June 15, 1976, even with modifications, do not meet the HUD standards and cannot be accepted as compliant with the HUD Code. As the homeowner, you may find a licensed engineer willing to inspect your home for compliance with your state's housing code. FHA does not insure mortgages on manufactured homes built prior to June 15, 1976. Most other mortgage insurance firms follow FHA's policy.

Will HUD issue certification labels (HUD tags) if my home was built before 1976?

No. The Department will not issue tags for a manufactured (mobile) home constructed prior to the enforcement of the Manufactured Home Construction and Safety Standards, effective June 15, 1976.

What kind of financing is available for my manufactured home?

HUD's FHA program insures two types of mortgages. **Title II** insures mortgages on qualifying manufactured homes sold with land and meeting other requirements. FHA's **Title I** program can provide information to consumers interested in obtaining HUD-insured loans. You may also want to contact lending institutions in your area (or the area where you want to purchase your home) for additional financing options.

What if HUD does not consider my home to meet its requirements for Title I or Title II insured loans? Are there still financing options available to me?

You may wish to consult with private lending institutions such as Freddie Mac or Fannie Mae to see if financial assistance is available to you.

I'm interested in purchasing a mobile home park or building a mobile home park. Where can I go for assistance?

You may contact the Office of Multifamily Housing at 202-708-2495 for assistance. Section 207, which is an FHA mortgage insurance program for HUD-approved lenders, promotes the creation of manufactured home communities by increasing the availability of affordable financing and mortgages.

I live in a mobile home park and I'm having problems with my landlord. Can HUD help me?

HUD does not regulate manufactured (mobile) home parks; however, most states have an association **(http://www.mobilehomeparkstore.com/mhp_associations.htm)** that can assist manufactured (mobile) homeowners with problems they are encountering.

I have a park model home and have made upgrades to my home. I was told I need a HUD label. How do I get one?

Regardless of the upgrades made to your park model, it is not possible to obtain a HUD label on any structure that was not produced and inspected as a manufactured home in accordance with HUD's Manufactured Home Construction and Safety Standards and Regulations during its original construction. You may contact the Recreational Park Trailer Industry Association **(http://www.rptia.com)** for additional information and resources regarding park model homes.

I have a deck/porch that's been added to an existing manufactured home and was told I need to get an AC letter. How do I get one?

The purpose of an Alternate Construction (AC) letter is to permit manufacturers to build innovative manufactured (mobile) homes with the new technology. Homes built under the AC program do not conform to the requirements of the Manufactured Home Construction and Safety Standards, 24 CFR Part 3280 (the Standards). Manufacturers must obtain permission from the Department prior to construction and shipment of homes built under the AC program.

Patios and decks are regulated by the construction codes for each state and/or local housing authority. If the property has an addition attached after the home was sited, the attachment is not regulated by HUD Standards or Regulations; therefore the property does not need an AC letter. If an addition has been added to a manufactured home, it may take the home out of conformance with the Standards.

I would like to convert shipping containers into homes. Can they be listed or sold as manufactured

housing?

All manufactured homes are built to the Manufactured Home Construction and Safety Standards, 24 CFR Part 3280. Manufactured homes are transported in one or more sections on a permanent chassis and display a red certification label on the exterior of each transportable section.

Shipping containers that are converted into housing units are subject to state and local building codes like modular and site-built homes. Converted shipping containers cannot be accepted as a HUD-code manufactued home unless they are provided with a permanent chassis and are transported to the site on their own running gear and otherwise comply with all HUD Standards and Regulations for manufactured homes.

Manufactured Housing in Delaware

A Summary of Information and Issues









DELAWARE STATE HOUSING AUTHORITY

December 2008

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EXECUTIVE SUMMARY

Purpose

As the State of Delaware's housing finance agency, community development agency and public housing authority for Kent and Sussex Counties, the Delaware State Housing Authority (DSHA) helps Delaware families achieve and maintain homeownership; creates and preserves affordable rental housing; administers federal programs; and provides a wide variety of other affordable housing products and services. DSHA also serves as a source for information and research on affordable housing issues in the state.

The purpose of this paper is to provide a broad and inclusive report on manufactured housing in Delaware, with an overview of statistics, activity and issues at the national level as well as a review of the landscape and challenges in Delaware. DSHA hopes this paper will be a valuable resource for a variety of audiences, including state and local elected officials and policymakers, other state and local government agencies, advocates, manufactured homeowners, community owners, and the general public as manufactured housing and the administrative and legal structures around it continue to evolve.

Summary

With almost 9 million manufactured homes in the United States today, manufactured housing is undeniably a major part of the nation's housing stock and market. As it evolved from the trailers of the past to the large, well-designed, high-quality new homes of today, manufactured housing has become a vital source of affordable housing, both nationally and in Delaware, particularly as a homeownership opportunity for low-income households who otherwise would likely not be able to move into homeownership.

The community development and policy advocacy fields are increasingly recognizing the importance of manufactured housing as part of broader strategies to help low-income families achieve and sustain homeownership and build wealth. Attitudes toward manufactured housing have long been influenced by negative stereotypes of the quality of the housing, its benefit to the consumer, and unfortunately often about consumers themselves. Most do not want it in their backyard, or think that manufactured home owners would simply be better off in other types of housing, or have wished that it would just go away. However, continuing advances in construction, quality, amenities and design, and significant cost savings over site built housing have made manufactured housing a popular and affordable permanent housing choice for millions of Americans and thousands of Delawareans.

In recognition of manufactured housing's enduring role in the housing market, in recent years national and state initiatives have been launched to rethink this negative approach, replacing it with initiatives to look at the sector as a whole and work to improve conditions for manufactured homeowners, both current and future. Model programs are demonstrating that the challenges with tenure and financing that have long limited manufactured homeowners' ability to build wealth through their home and, at worst, left them vulnerable to losing their asset altogether, are not insurmountable.

This paper reviews national and state statistics on manufactured housing, the various issues facing manufactured homeowners, and strategies both national and local to maximize manufactured housing's potential and preserve it as a source of affordable housing.

Key points include:

- Manufactured housing is a critical source of affordable housing, especially as homeownership for low-income households. With an estimated almost 41,000 units in Delaware, manufactured housing is 10% of the state's housing stock and home to approximately 70,000 Delawareans.

- Manufactured housing is particularly predominant in Sussex County, where it is popular both as a source of housing for the general local population as well as for retirement homes and vacation homes. Over 60% of the state's manufactured housing is located in Sussex County, and almost a quarter of the County's housing stock is manufactured homes, many of which (32% according to 2005 American Community Survey estimates) are held for seasonal, recreational or occasional use.
- Over half (an estimated 23,122 of 40,673; 57%) of the manufactured homes in Delaware are located on leased land. This is high compared to national estimates of 30 to 35% of homes located on leased land. While land lease communities remain a popular option, the majority of new manufactured homes (74% in 2007, nationally) are placed outside manufactured housing communities. Still, millions of homes nationally, new and existing, are classified as personal property and located on leased land.
- For the vast majority of manufactured homeowners, a manufactured home is a permanent housing product and, once placed, most homes are never moved. Nationally, about 17% of existing homes in 2005 were located on a permanent masonry foundation, but 26% of new homes in 2007 were placed on permanent foundations. For homes not on permanent foundations, relocation is still rare. Moving a home is expensive, exposes the home to damage, reduces the value of the home, and may even be impossible due to post-placement additions or modifications.
- Even in the best circumstances of manufactured housing communities that are operated well and with consideration for homeowners' interests, the fact remains that owning a home on rented land over which the homeowner has no control, possibly a fairly short-term lease, no predictability of future rent costs and the constant possibility of community sale or closure creates a fundamentally vulnerable situation for the homeowner.
- The unique placement, titling, land-ownership structure and resale market in the manufactured housing industry make them difficult candidates for long-term conventional mortgages. Conventional financing for manufactured homes placed on the owner's personally owned real estate and permanent foundations has expanded significantly in recent years, but there is little progress for homes titled as personal property and on leased land. For these homes, a personal property loan is generally the only option. As a result, homeowners have fewer protections, face higher costs, and ultimately negative effects on their ability to build wealth through their home.
- Despite widely held views that manufactured housing only depreciates, research indicates that depreciation is not necessarily inherent to manufactured housing itself, but a reflection of issues in the market. Studies show that ownership or control over the land on which the home is placed affects appreciation more than any other factor.
- The 2003 Delaware Manufactured Home Owners and Community Owners Act was a major update of the existing Mobile Home Lots and Leases Act of 1986. Subsequent additions have made several positive steps forward, including:
  - Creation of the Manufactured Home Relocation Trust Fund, with an associated dedicated revenue source, to provide relocation assistance to homeowners in communities closing due to change of land use;
  - A lot rent assistance program for homeowners who are eligible for Social Security Disability or Supplemental Security Income or who are over 62 years old and meet other eligibility requirements;
  - Creation of a process for resolution of disputes between homeowners and community owners via the Governor's Advisory Council on Manufactured Housing and outside mediators; and
  - Establishment of a right for manufactured homeowners, as an association or cooperative, to make and match offers for the purchase of their community.

- The 2003 legislative update and other initiatives in recent years have improved conditions and protections for homeowners. However, as homeowners on leased land over which they have no control, homeowners remain essentially vulnerable, particularly to community closure, but also to sale of the community and lot rent increases.
- Resident ownership of manufactured housing communities is a promising means to improve security of tenure for manufactured homeowners. Homeowners can achieve greater 1) security against sale or closure of the community; 2) predictability of future lot rent costs; and 3) control over the governance of their community. The opportunity to purchase the community, comprehensive pre- and post-purchase technical assistance, and financing are key factors for the success of conversions to resident ownership.
- Efforts to advance resident ownership of manufactured housing communities in Delaware have not been highly successful to date. However, the combination of the following has created a much more favorable environment for conversions:
  - The passage of an amendment to the Delaware Manufactured Home Owners and Community Owners Act giving manufactured homeowners the opportunity to purchase their community when the owner is interested in selling and match other offers;
  - The availability of comprehensive technical assistance and financing through a ROC USA™ Certified Technical Assistance Provider, Real Estate Advisory and Development Services, Inc. (READS); and
  - The real estate slowdown and subsequent drop in inflated real estate values and development pressures, especially in Sussex County.

With continuing advances at the national and state levels, conditions and opportunities for manufactured homeowners are slowly improving. However, as explored in this paper, major challenges remain, many relating directly or indirectly back to issues of titling, land ownership, and financing.

Factory-Built Housing Definitions

There is often misunderstanding about various types of factory-built housing. The two included in this summary are:

Manufactured Home: A factory-built housing unit designed and constructed to meet the U.S. Department of Housing and Urban Development (HUD) Code. A manufactured home is built on a chassis that supports the structural integrity of the home and to allow transport to the site. Factory-built units built to meet the HUD Code and constructed after the code took effect on June 15, 1976 are classified as "manufactured homes".

Mobile Home: A factory-built unit constructed on a chassis and completed before June 15, 1976. Prior to the HUD code, mobile homes were not subject to uniform construction or safety standards.

Other types of factory-built housing not addressed here include:

Trailer: Trailers are technically recreational vehicles that do not conform to either local building codes or the HUD code. While still used by many to refer to mobile or manufactured homes, these are not technically trailers.

Modular Home: While often built in the same factories, modular homes are built to the same state or local building codes as site-built homes and are always placed on permanent foundations. Homes are assembled in pieces at a factory and towed to the building site where they are assembled to construct the unit. This may be as simple as two rectangular pieces, similar to a multi-section manufactured home, or very complex.

Source: Housing Assistance Council, *Manufactured Housing in Rural America* (2005) and Manufactured Housing Institute (http://www.manufacturedhousing.org)

CHARACTERISTICS OF MANUFACTURED HOUSING IN THE U.S. AND DELAWARE

From Trailers to Manufactured Homes

Manufactured homes have become a largely permanent housing choice for millions of households, but the roots of this housing type, and the legal and financial structures around it, are in the much more mobile "travel trailers" of the past. What were first primarily recreational vehicles in the 1920s and 1930s were soon being used by some households as a form of permanent mobile residence, leading to the development of bigger trailers. In the Great Depression, the use of trailers as residence for transient populations widened, but also contributed to negative perceptions of trailers, those who lived in them, and the parks and camps where they would temporarily locate.



In the 1940s, trailers were used both by the government to house construction workers in defense production areas as well as by thousands – some estimates of over 120,000 – of migrants working for the war effort. In the coming decades, mobile homes became increasingly larger, less mobile, and designed for permanent living (HAC, 2005). Annual shipments in the 1970s ranged from 200,000 to 300,000 per year, peaking at an incredible 570,000 in 1973.

Data Sources on Manufactured Housing

While some national sources such as the American Housing Survey (AHS) provide a wealth of information on manufactured homes, most of these sources are not available at the state or local level. The decennial Census offers good information on manufactured homes at the local (census tract) level, but the 2000 data is dated at this point. The Census Bureau's annual Manufactured Housing Survey provides information on new home placements, sizes, locations, and prices.

The American Community Survey (ACS) (the new survey that is currently being phased in to replace the housing and economic portions of the Census) has information at the state and County level on manufactured housing. However, as multi-year estimates are still being developed for lower-population areas, much of this is not yet available at the local or even county level for Delaware. Where possible, the most recent information available is used. In most cases, this is the 2005 - 2007 ACS.

Both the Census and ACS record manufactured homes as "mobile homes". In most cases in this report, this has been changed to "manufactured home" for consistency.

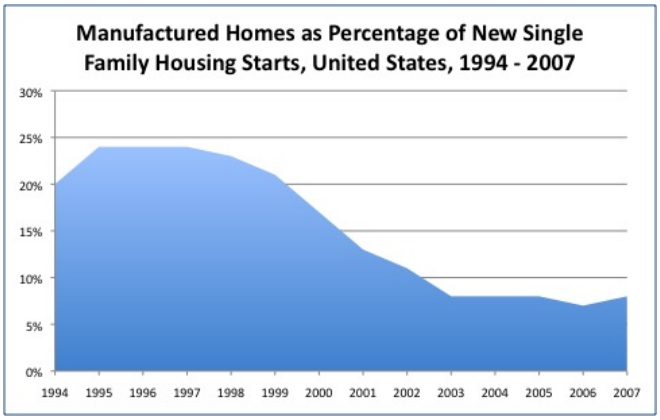
In 1976, the implementation of the HUD Code regulating construction quality, standards and safety further bolstered the industry by granting national legitimacy to mobile homes as a form of housing. In the 1980s and 1990s, manufactured homes contributed significantly to new housing starts. Multi-section or "double-wide" homes became increasingly popular, and more and more homes were now located on land owned by the homeowner, and placed on permanent foundations. In this time, quality, industry self-regulation, and financing options have improved greatly, and manufactured homes have increasingly broad appeal as the industry has improved marketing, design, and options. However, these advances are still limited in many ways by manufactured housing's roots in the travel trailer. These origins have far-reaching consequences today, affecting how homes are sold, titled, financed, owned, and ultimately, their potential for appreciation and viability as wealth-building assets for their owners.

The 8.67million manufactured homes in the United States constitute 6.91% of the nation's housing stock. Manufactured housing is much more common in the South, Southwest, and rural areas – while the

national percentage is less than 10%, in many areas it may approach or even exceed 20% of the housing stock, as in Sussex County. Statewide, 10.7% of Delaware's housing stock is manufactured housing.

New placements have tapered off in recent years, both as the industry continues to recover from several tumultuous years in the late 1990s – early 2000s and as part of the broader slump in the national housing market. Ninety-five thousand (95,000) new manufactured homes were placed in 2007, 8% of new single family housing starts nationwide, down from a recent high of 373,000 manufactured homes at 23% of new single-family housing starts in 1998 (U.S. Bureau of the Census, Manufactured Housing Survey). Still, manufactured housing is a very popular housing choice for millions of Americans – over 18 million people call it home.

CHART 1



Source: U.S. Bureau of the Census

Most manufactured homes are owner-occupied. Nationally, 75.1% of manufactured homes are owner-occupied, compared to the nation's overall homeownership rate of 67.3% in the period from 2005 - 2007. Indeed, manufactured housing is an important door to homeownership for many low-income households and contributes to the nation's and Delaware's high homeownership rate (73.5% in 2005-2007). In all three Delaware counties, the homeownership rate for manufactured homes was over 75% in 2005-2007. In Kent and Sussex Counties, manufactured housing is a sizable portion of the owner-occupied housing stock, at 15.4% in Kent and 22.4% in Sussex.

TABLE 1

Manufactured Homes, Homeownership and Population, United States, Delaware and Counties, 2005-2007 Estimates

	United States		Delaware		Kent		New Castle		Sussex	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Housing Stock										
Manufactured Homes	8,729,075	30,752	40,763	1,362	8,908	649	6,033	592	25,822	1,059
Total	126,237,884	7,902	382,149	130	60,010	90	211,073	146	111,066	143
Manufactured Homes as a % of Housing Stock	6.91%	0.02%	10.67%	0.36%	14.84%	1.08%	2.86%	0.28%	23.25%	0.95%
Homeownership										
Owner-occupied housing units	75,072,666	172,605	236,646	2,326	40,556	916	138,742	1,818	57,348	1,222
Manufactured Homes	5,313,140	17,883	23,907	1,287	6,252	673	4,814	518	12,841	910
Manufactured Homes as % of Owner-Occupied Stock	7.08%	0.02%	10.10%	0.53%	15.42%	1.62%	3.47%	0.37%	22.39%	1.51%
Renter-Occupied Units	36,536,963	85,411	85,102	2,506	15,129	945	54,692	1,983	15,281	1,007
Manufactured Homes	1,761,388	15,983	5,323	776	1,912	377	718	294	2,693	516
Manufactured Homes as % of Renter -Occupied Stock	4.82%	0.04%	6.25%	0.89%	12.64%	2.36%	1.31%	0.54%	17.62%	3.17%
Homeownership Rate – All Units	67.26%	0.14%	73.55%	0.58%	72.83%	1.41%	71.73%	0.80%	78.96%	1.14%
Homeownership Rate – Manufactured Homes	75.10%	0.36%	81.79%	1.31%	76.58%	3.95%	87.02%	13.25%***	82.66%	1.82%
Population										
Total Population	290,655,225	531,432	827,788	8,932	144,160	3,674	506,504	7,116	177,124	4,032
Population in Manufactured Homes	17,859,281	76,923	69,619	4,208	21,320	2,298	12,451	1,809	35,848	2,763
% of Population in Manufactured Homes	6.14%	0.02%	8.41%	0.50%	14.79%	1.55%	2.46%	0.36%	20.24%	1.49%

Source: U.S. Bureau of the Census, 2005-2007 American Community Survey Estimates

* Margins of error are published with and should be considered when evaluating American Community Survey data. As the samples used in the annual ACS surveys are much smaller than in the decennial Census, three-year estimates give the smallest margin of error, particularly for smaller geographies and subpopulations.

** The estimate is the 90-percent confidence interval. The margin of error means that the estimate is 90% confident that the true value of an estimate lies within the upper and lower bounds of the margin of error. For example, the 2005 - 2007 ACS estimates that there are 40,763 manufactured homes in Delaware, with a margin of error of +/-1,362. This means that the ACS has a 90 percent level of confidence that the actual number of manufactured homes in Delaware lies within the range of 39,401 and 42,125. Margins of error have been calculated for aggregates and percentages derived from the ACS data.

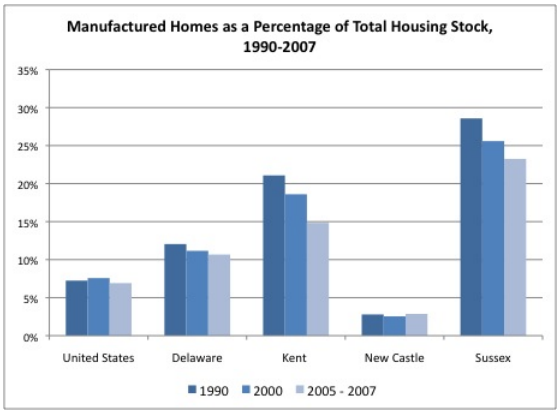
*** In some cases the formula to calculate a margin of error for derived percentages will not work, and an alternate formula which produces a more conservative margin of error can be used. This was the case for this estimate of margin of error for the homeownership rate among manufactured homes in New Castle County, leading to a particularly high derived margin of error.

Role in the Delaware Market

Manufactured housing plays an undeniably large role in the Delaware housing market. It is a vital source of affordable and moderately-priced housing for thousands of households, both in manufactured housing communities and when placed on privately owned land.

Strong population growth and overall new housing construction in Kent and Sussex Counties led manufactured housing to decline somewhat as a percentage of the total housing stock since 1990, still exceeding 10% in Kent County and 20% in Sussex, well above the national rate of 7%. As new construction of single-family homes in Delaware has largely targeted higher income markets in recent years, manufactured homes have been an important source for new affordable homeownership housing in the state.

CHART 2



Source: U.S. Bureau of the Census, 1990 Census, 2000 Census, 2007 American Community Survey

The 2005-2007 three-year ACS estimates indicate that 63.3% (25,822) of Delaware's 40,763 manufactured homes are located in Sussex County. While many are on personal property, manufactured housing communities abound in Sussex County, from small, older communities tucked away in rural areas to sprawling communities with numerous amenities near the beach resorts.

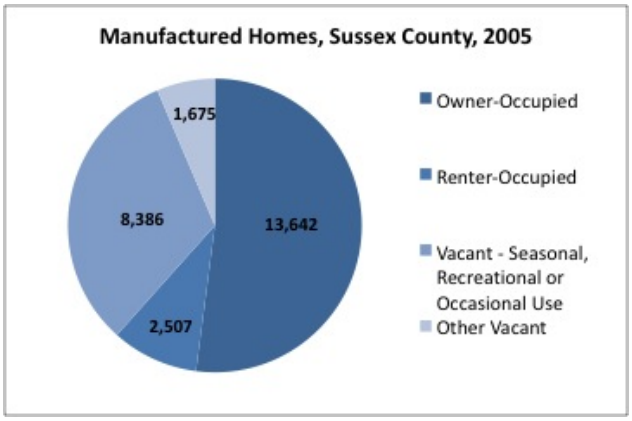
TABLE 2
Vacancy Status by Type of Unit, Delaware and Sussex County, 2005

	Delaware		Sussex County	
	Estimate	Margin of Error	Estimate	Margin of Error
Single-Family Units				
Total Units	263,326	4,876	67,697	2,253
Total Vacant	30,975	2,393	19,413	1,704
Vacancy Rate	11.76%	0.88%	28.68%	2.33%
Vacant for Seasonal, Recreational or Occasional Use	16,404	1,911	15,532	1,697
% of All SF Units Held Vacant for Seasonal, Recreational or Occasional Use	6.23%	0.72%	22.94%	2.39%
Multi-Family Units				
Total Units	50,342	3,595	13,173	1,643
Total Vacant	15,243	2,030	6,991	1,300
Vacancy Rate	30.28%	3.40%	53.07%	7.32%
Vacant for Seasonal, Recreational or Occasional Use	5,673	1,196	5,424	1,110
% of All MF Units Held Vacant for Seasonal, Recreational or Occasional Use	11.27%	2.24%	41.18%	6.68%
Manufactured Homes and all other types of units				
Total Units	42,488	2,207	26,249	1,827
Total Vacant	11,014	1,516	10,061	1,304
Vacancy Rate	25.92%	3.30%	38.33%	4.19%
Vacant for Seasonal, Recreational or Occasional Use	8,563	1,315	8,386	1,225
% of All MH Units Held Vacant for Seasonal, Recreational or Occasional Use	20.15%	2.91%	31.95%	4.10%

Source: U.S. Bureau of the Census, 2005 American Community Survey
Notes: Data not available for Kent and New Castle Counties. ACS vacancy data group manufactured homes together with "all other types of units", meaning the category "Boat, RV, Van, Etc." However, this additional category is quite small and comprises only 366 total units statewide and 39 units in Sussex County.

As is also the national trend, manufactured homes are popular as vacation homes. As of 2005, over 8,000 of Sussex County's over 26,000 manufactured homes are estimated by the American Community Survey to be held vacant for "seasonal, recreational or occasional use." Still, communities with many vacation homes are also permanent homes for local residents who work in the area and for many retirees who have made it their permanent home.

CHART 3



Source: U.S. Bureau of the Census, 2005 American Community Survey

In eastern Sussex County, high housing prices are a major barrier for low- and moderate-income households; the only option for the vast majority of workers is to commute from other areas. Manufactured housing communities are one source of affordable homes in this area for year-round residents and local workers.

As in the rest of the nation, manufactured homes in Delaware are frequently being placed on the owner's land instead of on leased land, in a manufactured housing community. However, the most comprehensive sources of information about the housing stock that are available at the local level – the decennial Census and the American Community Survey (ACS) – do not differentiate between manufactured homes on leased land or on land owned by the homeowner. Both are counted as owner-occupied in the Census and ACS. Information about manufactured housing communities has traditionally been held by a web of different local government offices and not compiled or collected at the state level.

Tracking down the number of communities, their location, and the number of homes/lots in them has been a time-consuming and challenging task in Delaware, one that has largely fallen to the Delaware Manufactured Home Relocation Authority (DMHRA) in its efforts to collect the monthly lot assessment that funds the Manufactured Home Relocation Trust Fund. Looking at materials from the Relocation Authority, approximately 190 communities consisting of over 23,000 leased lots have paid into the Trust Fund. A 2005 study by Dr. Michael Arnold of the University of Delaware estimated a relatively high compliance rate of 85 to 92 percent for communities and lots paying into the Relocation Trust Fund. As the Authority has continued to develop and the Trust Fund is more established, it is likely that compliance has only increased in recent years.

Manufactured Housing = Affordable Housing

"Between 1993 and 1999, manufactured housing accounted for more than one-sixth of the growth in the owner-occupied housing stock. For particular submarkets the share is considerably higher. For example, among households with very-low incomes (that is, less than 50 percent of area median), 23 percent of homeownership growth between 1993 and 1999 came through manufactured housing. For southern households the figure was 30 percent, and for rural households, 35 percent. Indeed, in the rural South manufactured home purchases accounted for a stunning 63 percent of the increase in very-low income homeownership." (Apgar, et al, 2002, p. 3)

National data indicate that between 30 and 35% of manufactured homes are located on leased land. While this is a rough measure, it is the only one available to estimate the number of manufactured homes in Delaware on leased land, short of an actual list including each community. As the DMHRA assembles such information, an estimate using ACS data is useful for comparison purposes.

Applying the national figure of a 35% probability that a home is located on a leased lot to the American Community Survey estimates indicate about 13,500 manufactured homes on leased lots in Delaware. Clearly, Delaware exceeds the national average of

35% of homes on leased land, as the number of leased lots paying into the Relocation Trust Fund far exceeds 13,500. Simply applying the 23,000 leased lots that have paid into the Relocation Trust Fund to the 2005 – 2007 ACS estimate of 40,763 indicates that at least 56% of manufactured homes in Delaware are located on leased land.

TABLE 3

Estimated Manufactured Homes on Leased Land, Delaware and Counties, 2007

	Manufactured Homes			Manufactured Homes on Leased Land – Estimated at **35%** *(national average)*		Manufactured Homes on Leased Land – Estimated at **65%** *(Foremost Insurance 2002 Delaware survey)*		Manufactured Homes on Leased Land – DMHRA Records
	(2005 - 2007 ACS Estimate)	*Margin of Error*	*Range within Margin of Error*	*Estimate*	*Range within Margin of Error*	*Estimate*	*Range within Margin of Error*	
Kent County	8,908	649	8,259 – 9,557	3,118	2,891 – 3,345	5,790	5,368 – 6,212	4,521
New Castle County	6,033	592	5,441 – 6,625	2,112	1,904 – 2,319	3,921	3,537 – 4,306	4,939
Sussex County	25,822	1,059	24,763 – 26,881	9,038	8,667 – 9,408	16,784	16,096 – 17,473	13,501
Delaware	40,763	1,362	39,401 – 42,125	14,267	13,790 – 14,744	26,496	25,611 – 27,381	23,122*

Source: U.S. Bureau of the Census, 2005 - 2007 American Community Survey Estimates, Delaware Manufactured Home Relocation Authority information compiled by DSHA, September 2008

**Location information not available for 5 communities comprising 66 units.*

Foremost Insurance Group has long conducted a national survey of manufactured homeowners with a variety of questions on income, ownership, demographic and other information. In addition to a national report, state-level reports are also available. There are, however, major drawbacks, particularly non-scientific sampling (the survey is sent to their customers) and, in some states, small sample sizes. For Delaware, the number of respondents is only a few hundred. Without sampling or weighting, it is difficult to apply statistics from these surveys to the entire population of manufactured homeowners in Delaware.

However, the above analysis using 2005 - 2007 ACS estimates and national averages for percentage of homes on leased land does support Foremost's statistics on whether homes are on the homeowner's personal real estate or leased land. In 2002, Foremost's report for Delaware indicated that only 33% of manufactured homes in Delaware are placed on land owned by the homeowner, compared to 65% nationally.

The real number of manufactured homes on leased land in Delaware is likely somewhere in the middle of these estimates, especially considering that 1) while some established communities continue to expand, few new land-lease manufactured housing communities have opened in Delaware in recent years, and 2) the number of new homes placed on leased land continues to decrease, with only 26% of new homes being placed in manufactured housing communities nationally in 2007 (U.S. Bureau of the Census, *Manufactured Housing Survey*).

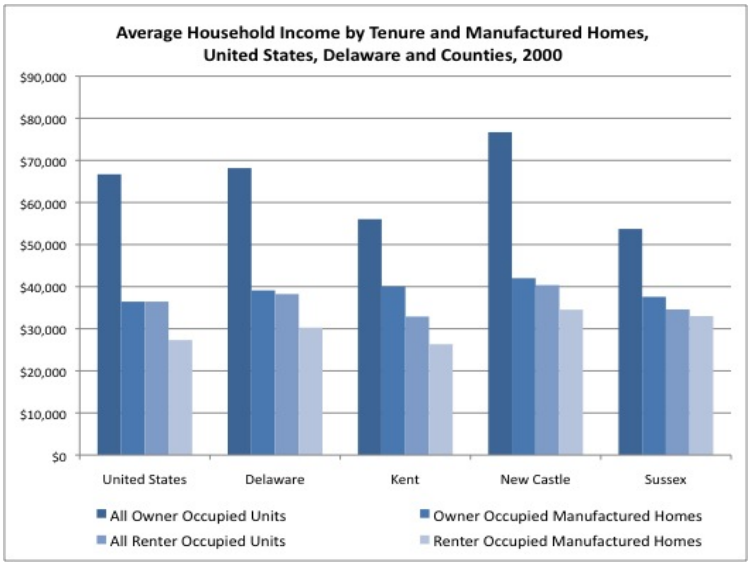
Demographics

Owners of manufactured homes generally have lower incomes, are either older or younger households, are more likely to be headed by a white householder, and tend to be in slightly smaller households (U.S. Bureau of the Census, 2000 Census and 2005 - 2007 ACS; HUD, 2007 American Housing Survey).

Average income for owners of manufactured homes is well below income for all owner-occupied housing units - $39,110 compared to $68,167 in the 2000 Census. The average income of households renting manufactured homes also lags behind incomes of all renter households, at $30,269 compared to $38,246

in 2000. The 2005 American Housing Survey reported median income of $27,452 for households in manufactured housing, compared to $44,503 for all households and $55,211 for households in single-family detached homes.

CHART 4



Source: U.S. Bureau of the Census, 2000 Census

National statistics on the race of manufactured home occupants are also reflected in Delaware. Owners and renters of manufactured homes are more likely to be white compared to the general population of all households (U.S. Bureau of the Census, 2005 - 2007 ACS). In the period 2005 – 2007, 83.4 percent of households in manufactured housing in Delaware were white, close to the national estimate of 84.6 percent.

Manufactured housing and manufactured housing communities are popular as retirement homes for older Americans. In addition to their appeal and popularity, manufactured housing is a major source of affordable housing for this population as it is for the general population (Kochera, 2003). Percentages of households aged 55 to 74 are higher in manufactured housing than in the overall stock. Typically fixed incomes make older manufactured homeowners in land-lease communities particularly vulnerable to rent increases and other unexpected costs. HUD's 2007 American Housing Survey reports that, nationally, the median income for an elderly householder in a manufactured or mobile home was $21,067, compared to $29,576 for all households in manufactured homes and $47,632 for all households. Kochera (2003) cites that nationally, about 36% of manufactured homeowners age 65 and older reside in manufactured housing communities.

TABLE 4

Percentage of Households by Race and Manufactured Housing, United States and Delaware, 2005 - 2007 Estimates

	United States				Delaware			
	All Households		Households in Manufactured Housing		All Households		Households in Manufactured Housing	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
White Alone Householder	78.12%	0.10%	84.58%	0.02%	76.26%	0.29%	83.41%	6.00%
Black or African-American Alone Householder	11.68%	0.02%	7.92%	0.10%	18.69%	0.35%	11.96%	1.85%
Hispanic or Latino Householder	10.71%	0.02%	10.21%	0.03%	4.09%	0.21%	4.70%	0.24%
Non-Hispanic or Latino Householder	72.25%	0.09%	78.75%	0.04%	73.84%	0.23%	81.30%	5.85%

Source: U.S. Bureau of the Census, 2005 - 2007 American Community Survey Estimates

TABLE 5
Age of Householder for Manufactured Homes, United States, 2007

	All Households	Percentage of Total	Households in Manufactured Homes	Percentage of Total
Under 25	6,273,000	5.67%	349,000	5.04%
25 to 29	8,809,000	7.96%	485,000	7.01%
30 to 34	9,571,000	8.65%	607,000	8.77%
35 to 44	21,756,000	19.65%	1,262,000	18.24%
45 to 54	23,208,000	20.97%	1,467,000	21.20%
55 to 64	18,211,000	16.45%	1,222,000	17.66%
65 to 74	11,700,000	10.57%	881,000	12.73%
75 and older	11,165,000	10.09%	647,000	9.35%
Total	110,693,000		6,920,000	

Source: HUD, 2007 American Housing Survey

2007 data indicate that nationally, 40% of households in manufactured homes are over the age of 55, compared to 37% of all households. The 2000 Census, the most recent source of data breaking out age of householder by type of unit at the state or local level, indicate a slightly larger gap for Delaware. 41.5% of all households in manufactured homes in Delaware in 2000 were over age 55, compared to 36.6% for all households.

TABLE 6
Age of Householder for Manufactured Homes, Delaware, 2000

	All Households in Age Group	Households in Manufactured Homes	% of all Households In Age Group that are in Manufactured Homes	Age Group as a % of All Households in MH	Age Group as a % of All Households
Under 25	13,885	1,378	9.92%	4.83%	4.65%
25 - 34	49,476	4,948	10.00%	17.35%	16.56%
35 - 44	67,524	5,710	8.46%	20.02%	22.60%
45 - 54	58,524	4,649	7.94%	16.30%	19.59%
55 - 64	41,972	4,525	10.78%	15.87%	14.05%
65 - 74	37,250	4,426	11.88%	15.52%	12.47%
75 +	30,105	2,884	9.58%	10.11%	10.08%
	298,736	28,520			

Source: U.S. Bureau of the Census, 2000 Census

Households in manufactured housing tend to be smaller than households in other homes. Nationally, 63% of households in manufactured homes had only 1 or 2 persons in 2007. Households of this size are only 60% of all households. 1 to 2 person households comprised only 55% of all households in other single-family detached or attached homes.

TABLE 7
Household Size for Households in Manufactured Homes, United States, 2007

	Manufactured Homes	Percentage of Households in MH	All Homes	Percentage of All Households
1 person	2,031,000	29.35%	29,996,000	27.10%
2 persons	2,322,000	33.55%	36,724,000	33.18%
3 persons	928,000	13.41%	17,522,000	15.83%
4 persons	963,000	13.92%	15,712,000	14.19%
5 or more persons	676,000	9.77%	10,737,000	9.69%
Total	6,920,000		110,691,000	

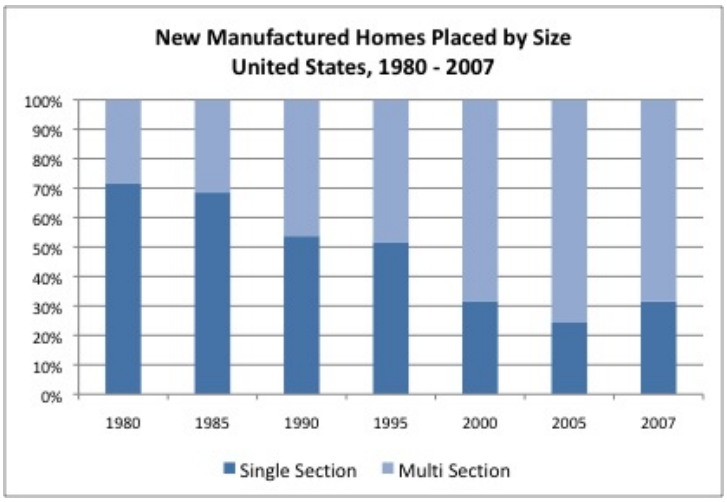
Source: HUD, 2007 American Housing Survey

Unit Characteristics

The HUD Code

All new manufactured homes are built to Manufactured Home Construction and Safety Standards set by the U.S. Department of Housing and Urban Development (HUD). These standards, often called the "HUD Code", define a manufactured home as dwelling units of at least 320 square feet in size with a permanent chassis to assure initial and continued transportability. The Code covers Body and Frame Requirements, Thermal Protection, Plumbing, Electrical, Fire Safety, and other aspects of the home. Homes are built to different standards for different Wind Zones and Snow Loads for different areas of the country. Each manufactured home built in the U.S. after June 1976 must contain a red HUD label, certifying that it has been constructed in accordance with the HUD code.

CHART 5



Source: U.S. Bureau of the Census, Manufactured Housing Survey

Homes also include a Data Plate, a paper label inside the home (often in a cabinet or closet) containing information about the manufacturing plant, serial numbers and model designation, date of manufacture, a list of factory-installed equipment such as appliances, and a reference to the Roof Load Zone and Wind Zone to which the home was designed. HUD has agreements with 38 state governments to conduct checks of plant records and respond to consumer complaints related to manufacturing, performance, quality and construction issues. The state government designates a State Administrative Agency (SAA). HUD staff carry out these functions in the other 12 states without SAAs, including Delaware.

Installation

There are two basic types of foundations for manufactured homes, simple and permanent. In a simple foundation, the home is set on steel or concrete piers on top of square footers or pads of concrete. The home is then fastened or anchored to the ground. Types of permanent foundations vary widely, but use permanent full and load-bearing perimeter walls for support. Typically the floor joists are attached to the foundation wall. Multi-section homes, which are the majority of new homes placed, must be joined

together and sealed. The wheels and hitch are removed, and the unit is connected to site utilities. Installers often also add skirting if the unit is not placed on a full foundation, stairs, porches, or other on-site additions (HAC, 2007 and Apgar, et. al, 2002).

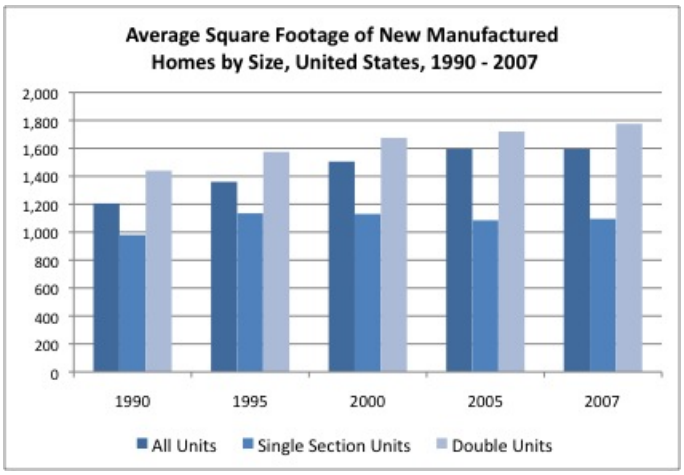
Proper installation can have considerable impacts on the future stability, security, and even the condition and wear of the home. While homes are built to the federal HUD code, installation standards have typically been set at the state or local level, often haphazardly. In 2000, the federal Manufactured Housing Improvement Act was passed. This law required each state to institute a manufactured home installation program and dispute resolution program within five years. Specifically, adoption of standards for manufactured home installation, implementation of an installation program addressing training, licensing, certification and inspections, and implementation of a dispute resolution program were required. Over the same time period, HUD developed national standards for manufactured home installation which state standards must meet or exceed.

In state legislation signed in July 2005, authority for these programs was assigned to the Delaware Division of Professional Regulation. A Board of Manufactured Home Installation to set standards and fees for licensing of manufactured home installers and installation inspectors was also created by this legislation. Beginning one year from its enactment into law, all manufactured homes in Delaware must be installed by a licensed manufactured home installer and inspected by a Board certified inspector. (24 *Del. C.*, Chapter 44)

Today's Manufactured Housing

Advances in quality and design have made manufactured housing a popular, high-quality product comparable to site-built housing in durability. Construction and transportation advances mean that there is more variation than ever possible in manufactured homes: pitched roofs, bay windows, multi-sections, as well as numerous options for on-site additions like awnings, patio covers, porches, decks, and garages. Larger, multi-section homes are more and more popular, and among new homes, are much more common than single-section homes. Nationally, 61.6% of manufactured homes are single-section units, 36.7% are double-section, and 1.2% are triple-section or larger (HUD, 2007 American Housing Survey). Affordable prices, a quick sales process and impressive array of available options all make manufactured housing an attractive option for buyers.

CHART 6



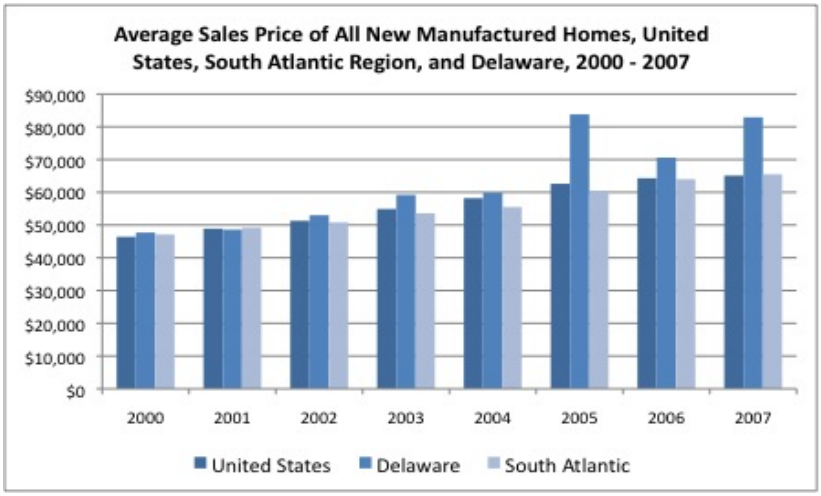
Source: U.S. Bureau of the Census, Manufactured Housing Survey

Genz (2001, 396-398) identifies three core factors: prices, quality of construction, and marketing. Compared particularly to rental housing, new manufactured homes have strong appeal and value for the money. While interest rates are high, longer loan terms and the low cost of the home itself can make purchase of a new or late model used home comparable to rental costs. Despite long-held stereotypes about low quality and rapid deterioration, several studies indicate that manufactured homes have a fairly long life span, up to 55 years, and the vast majority of new homes feature high-quality construction and attractive designs.

Finally, Genz identifies the fundamentally different marketing system for manufactured housing as a factor. Comparison shopping for a site-built home, new or existing, is time-consuming, and rests heavily on location. When shopping for a new manufactured home, the consumer sees the home first on the

dealer's lot, and can shop for the same options a buyer of a new site-built home would shop for. While delivery time may vary depending upon whether the home is built to order or purchased off the dealer's lot and on the amount of site work necessary to prepare the lot, it is still typically very fast compared to new site-built homes. In many cases the dealer helps to coordinate every aspect of the sale, placement and financing. For buyers using a personal-property loan instead of a conventional home loan, the application and approval process for their loan is also significantly easier: "In-house dealer financing programs can accommodate buyers of widely varying qualifications, with approvals coming back in as little as an hour." (Genz, 398)

CHART 7



Source: U.S. Bureau of the Census, Manufactured Housing Survey

As manufactured homes have grown in popularity as permanent residences, are increasingly placed on private property, and appeal to a broader market, the average size of units has steadily increased, approaching 1,800 square feet for double-section units in 2007, up from about 1,400 square feet for double-section units in 1990. As double or multi-section units become more popular, and as single-section units are more limited by design, the average size of single-section units has not changed as much, only increasing by about 100 square feet since 1990.

Of the existing stock of manufactured housing nationally, 61% are single-section units. However, in recent years double-section units have pulled far ahead as a percentage of new units placed. In 1985, 17% of new units placed in Delaware were double-section, compared to 31% nationally. By 1995, that had increased to 47% in Delaware and 48% nationally. In the mid-2000s, percentages of new units that are double-section hover between 70 and 80% both in Delaware and nationally.

Affordability

Huge variation and options in features, floor plans, and sizes mean that prices for a new manufactured home, without land, can range from $20,000 for a new single-section home with basic features to well over $100,000 for a multi-section home with numerous options. Still, manufactured homes are consistently shown to have dramatically lower construction costs per square foot than site-built homes, even when the value of land is removed. The Manufactured Housing Institute estimates that "Depending on the region of the country, construction cost per square foot for a new manufactured home averages anywhere from 10 to 35% less than a comparable site-built home, excluding the cost of land." (http://www.manufacturedhousing.org) What makes manufactured housing so much more affordable? A centralized building code (the HUD Code) and the ability to control and streamline the construction process are major advantages. Apgar, Calder, Collins and Duda (2002) note five factors creating cost savings in the production process:

- Economies of scale in high-volume materials purchase
- Ability to better coordinate production using assembly-line techniques
- A controlled environment devoid of weather or other delays
- Standardized design and materials
- Reduced costs (primarily in time) of securing approval from local code officials

Average sales prices of new homes have risen steadily, although at a higher rate in Delaware in the past few years, likely because the majority of new homes now being placed in the state are double-section homes. In 2007, the average sales price for a new manufactured home in Delaware was $82,900, compared to $65,100 nationally. For a double-section unit, the average sales price in Delaware in 2007 was $88,400, compared to $74,100 nationally. For single-section homes, the average sales price in Delaware was $30,200 and $37,200 nationally. However, it is important to keep in mind that these averages are often based on a fairly small number of units at the state level – about 500 units placed in Delaware in 2007. The nature of averages (being more sensitive to the effects of outliers, or prices at the highest and lowest ends of the range) and the small number of units may explain what look like large year-to-year price fluctuations, as between 2005 and 2007.

Comparing sales prices, average costs per square foot, and values between manufactured homes and site-built homes is challenging. It is difficult to fully correct for the cost and value of land and site work. The Census Bureau does report on this annually and provides a comparison of costs per square foot for new manufactured and new site-built homes. With the average cost per square foot for a new single family site-built home in 2007, excluding the cost of land, more than doubling the average cost per square foot for a new manufactured home, it is apparent that even with added costs for transportation and site work, manufactured housing provides clear cost benefits.

TABLE 8
Cost and Size Comparison: New Manufactured Homes and New Single Family Site-Built Homes

	New Manufactured Homes			New Single Family Site-Built Homes			
	Avg Sales Price	Avg Sq Foot	**Avg Cost per Sq Ft**	Avg Sales Price	Derived Avg Land Price	Avg Sq Foot	**Avg Price Per Sq Ft (Excl. Land)**
1997	$39,800	1,420	**$28.03**	$176,200	$33,227	2,140	**$66.81**
2007	$65,100	1,595	**$40.82**	$313,600	$84,268	2,479	**$92.51**
Increase, 1997 - 2007	63.57%	12.32%	45.63%	77.98%	153.61%	15.84%	38.47%

Source: U.S. Bureau of the Census

SUMMARY: Characteristics of Manufactured Housing in the U.S. and Delaware

- Manufactured housing is a critical source of affordable housing, especially as homeownership for low-income households, in both the U.S. and Delaware. With almost 41,000 units in Delaware, it is 10% of the state's housing stock and home to approximately 70,000 Delawareans.
- Manufactured housing is especially predominant in Sussex County, home to over 60% of the manufactured homes in the state. Almost a quarter of the County's housing stock is manufactured homes, many of which are held for seasonal, recreational or occasional use.
- While it is difficult to quantify the exact number of manufactured homes on leased land in Delaware, records from the Delaware Manufactured Home Relocation Authority indicate at least 23,000, or 56% of the manufactured homes in the state are on leased land. This is well above cited national figures of 30 to 35%.
- Households in manufactured housing are predominantly white (85% in Delaware as of 2005 - 2007), more likely to be in smaller households, and slightly more likely to be older households. As of the 2000 Census, 41% of householders in manufactured homes in Delaware were over 55.
- Advances in construction, quality, amenities and design, and significant cost savings over site-built housing have made manufactured housing a popular and affordable permanent housing choice for millions of Americans and thousands of Delawareans. The majority of manufactured homes, once placed, are not moved, and most new homes (close to 80%) are multi-section homes.

LEGAL AND FINANCIAL FRAMEWORK OF MANUFACTURED HOUSING

New manufactured homes today, once placed, are rarely moved. Costs to move a home vary based on the distance of the move, size of the home, and post-placement additions that must be removed, and the amount of utility and other work to prepare the land. For the vast majority of homeowners, a manufactured home is a permanent housing choice, despite legal, financial and tenure structures that continue to treat it as an impermanent and mobile one. As a result, today's manufactured housing exists in a "parallel legal universe" of titling, land ownership, and financing from the rest of the housing stock and market (Genz, 2001).

All manufactured homes in Delaware are initially titled as personal property. In Delaware, as in most states, new manufactured homes are titled and registered through the Department of Motor Vehicles. If a home is to be placed on the buyer's property, typically on a permanent foundation, title can be surrendered and the home can be classified as real estate in a process through the County where it is located. As more and more new homes are placed on the buyer's privately owned land, instead of in land-lease manufactured housing communities, titling as real estate is becoming increasingly common. In 1990, 89% of new manufactured homes nationally were titled as personal property. By 2007, this has decreased to 64%. This has corresponded with an increase in the number of homes placed on "outside manufactured housing communities" – the designation used by the Census Manufactured Housing Survey, which collects and reports this information. From 1990 to 2007, the percentage of homes placed outside manufactured housing communities increased from 59% to 74%, with a correlated decrease in the percentage of homes placed in manufactured housing communities, down from 41% to 28%. Still, millions of homes, new and existing, are classified as personal property, and are located on rented land, generally in investor-owned communities.

Titling of Manufactured Homes

All new manufactured homes are titled through the Delaware Department of Motor Vehicles (DMV), for a fee of $25 ($35 for a home with a lien) plus a 3.75% document fee based on the sale price or current trade-in value of the home, whichever is higher. For new homes, this application process is typically handled by the dealer. Each section of a multi-section home will have its own title. In order to be declared real property – a main requirement in order to access conventional mortgage financing - this Certificate of Title must be surrendered. The process for surrendering the Certificate of Title and classifying a manufactured home as real property is slightly different in each county, but the main steps are:

1) Notifying the County to request a surrender of title.
2) A form/application/fee is required.
3) The home is inspected by a County official to ensure that it is affixed to the land, its wheels and axles removed and it is anchored to the land.
4) The County issues a letter or other certification to the DMV that the home meets its requirements to be considered real property.
5) The DMV issues a C-grade classification certificate and a notice to the County that the Certificate of Title has been surrendered.

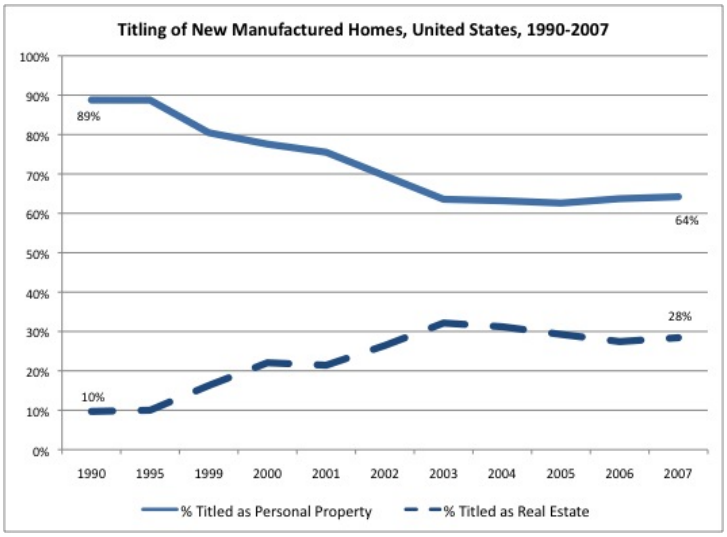
Sources: Fannie Mae Guidance on Manufactured Home Titling in Delaware, Delaware Department of Motor Vehicles

The designation of manufactured homes as personal property and land-lease form of tenure combine to form a constellation of legal and financial differences from site-built housing that have a broad impact on asset-building potential for manufactured home owners, with the greatest impact on owners of homes on leased land.

Challenges for Homeowners in Land-Lease Communities

Analysis of HUD American Housing Survey data by the AARP (formerly the American Association of Retired Persons) indicate that 32% of manufactured homes are located in land-lease communities (2004). Foremost Insurance Group, which conducts an annual national survey of manufactured home owners, similarly reports that in 2005, 35% of respondents owned homes in manufactured housing communities where they rented the lot.

CHART 8



Source: U.S. Bureau of the Census, Manufactured Housing Survey

Land-lease communities for manufactured housing have their benefits, particularly for lower-income homebuyers/homeowners in areas where land costs are high and would otherwise make homeownership impossible. For older and retired households, there is often appeal in many services being taken care of in a community. Many communities offer a variety of amenities as well.

However, owning a large, fairly immobile asset on land over which the owner has no control, possibly only a fairly short-term (year or a few years) lease, and no guaranteed predictability of future rent costs is fundamentally insecure. Considering that asset is also often a household's largest asset, and that asset is also a household's home, creates even more insecurity. While the majority of manufactured housing communities are certainly operated well, reasonably, and with consideration for homeowners, the vulnerability is inherent in the form of tenure itself. Leases can be ended, rents can be increased far beyond homeowners' abilities to pay, communities can be sold and closed.

Community closure is perhaps the greatest risk to homeowners on leased land, and it is a looming threat for many in Delaware. High land values provide strong incentives for community owners to consider selling or converting the use of their land. When a community is closed, the homeowner has no choice but to move or abandon their home. Relocating a home is costly, and homes are subject to damage during transportation. Moving a home has also been shown to affect future appreciation (Jewell, 2003). Many older homes, or homes with various on-site additions or modifications, cannot be moved. There are relatively few open lots in manufactured housing communities, and very few, if any, new communities are opening in Delaware. Many communities have strict design and age standards that exclude homes more than a few years old. In many older communities, homeowners may have no choice but to abandon their homes, which, while of little market value, have immense value to them as a source of affordable housing.

Financing

Issues with how manufactured homes are sited, titled and appraised make them difficult candidates for long-term, conventional mortgages. Results of this include fewer protections for buyers and owners, higher costs, and effects on asset-building for owners. Financing for manufactured housing takes two very different forms: 1) conventional mortgage lending, generally restricted to units on land owned by the homeowner; and 2) chattel lending, or personal property loans, typically for units on leased land or not titled as real estate. Within both of these markets, it is often difficult to secure financing for purchase of an existing manufactured home.

A variety of features of the manufactured housing market combine to create in some cases validly unacceptably high risk for lenders; in others cases, unfamiliarity, stereotypes and negative perceptions of "trailers" have undue impact. The product's (theoretical, at least) mobility, unclear appreciation patterns, typically high loan to value ratios, unstable resale market, and, for homes in communities, insecure land tenancy, unpredictable land lease costs, and classification as personal property pose major challenges to lending. Loosened standards in manufactured home lending in the mid-1990s led to a dramatic rise in defaults and repossessions in the late 1990s through 2002. The lack of an effective resale market further hindered lenders' ability to recoup losses.

> "Even though a manufactured home today bears no resemblance to a "trailer," it is still all too frequently sold and financed like one."
> *(West, 2006, p. 36)*

Overall, the result is that buyers of manufactured homes simply pay more. The 2007 American Housing Survey indicates that while only 10.3% of all homes have a current mortgage interest rate over 8%, a third (33.1%) of manufactured homes have rates over 8%. The comparison with recently constructed homes is even more stark: only 6.8% of new homes built in the four years before the survey (2002-2006) had interest rates over 8%. The median mortgage interest rate on manufactured homes is almost a percentage point higher: 7.2%, compared to 6.4% for all homes.

TABLE 9

Current Mortgage Interest Rate, United States, 2007

	All Units	% of All Units	New Construction 4 Years	% of All New Construction	Manufactured Homes	% of all Manufactured Homes
Less than 6%	17,937,000	38.61%	1,450,000	37.85%	547,000	26.37%
6 to 7.9%	23,744,000	51.11%	2,121,000	55.36%	840,000	40.50%
8 to 9.9%	3,613,000	7.78%	200,000	5.22%	399,000	19.24%
10 to 11.9%	814,000	1.75%	35,000	0.91%	192,000	9.26%
12 to 13.9%	214,000	0.46%	18,000	0.47%	60,000	2.89%
14 to 15.9%	73,000	0.16%	5,000	0.13%	18,000	0.87%
16 to 17.9%	15,000	0.03%	-	-	6,000	0.29%
18 to 19.9%	30,000	0.06%	-	-	-	-
20% or more	21,000	0.05%	2000	0.05%	12,000	0.58%
Median	6.4		6.4		7.2	

Source: U.S. Bureau of the Census, 2007 American Housing Survey

Conventional Financing

To access conventional financing, manufactured homes generally must be on a permanent foundation, located on the owner's land, and be titled as real property. For some lenders and programs, only new homes will qualify. Appraisal requirements for manufactured homes are also often stringent. Analysis of 2006 Home Mortgage Disclosure Act (HMDA) data, which include only conventional mortgage loans, indicate that even when manufactured home buyers are able to access conventional financing, their loans are generally more expensive than site-built home loans. Banks are required to report pricing information when a loan is more than 3% above the Treasury rate. Almost half (47%) of all conventional loans for manufactured homes fell in this category, compared to only 25% of conventional 1- to 4-family home purchase loans.

The haphazard resale market for manufactured homes also affects their viability for financing. Many standards for accessing conventional mortgage financing for a manufactured home do not allow the purchase of anything but new homes, which limits the availability and increases the cost of loans –

reducing what buyers can afford to pay for an existing home – further affecting appreciation potential for *new* homes. As West (2006) notes:

> "Inasmuch as the lack of a resale market limits the collateral value of manufactured homes, a vicious cycle is created. The lack of credit available for purchase of existing manufactured homes severely restricts the pool of potential buyers. Fewer buyers who are willing and able to buy an existing home means lower collateral value: as demand shrinks, lenders' perception of risk – for both new and existing manufactured housing - grows. After all, what would happen if the home owner needs to sell before the loan is paid off?" (40)

West (2006) and others (Jewell, 2003, Apgar et al, 2002) have also identified the lack of a robust secondary market for conventional manufactured home loans as an issue, which reduces the volume of loans available and increases costs. This situation is improving, and both Fannie Mae and Freddie Mac have standard guidelines for manufactured home loans and will purchase mortgages on manufactured homes titled as real estate via approved lender partners using their standard MH underwriting and appraisal guidelines. Fannie Mae has also developed a "MH Select™ Intiatitve," a collaborative effort between Fannie Mae and the industry Manufactured Housing Institute. The program offers more financing flexibility for high quality manufactured homes when manufacturers and dealers/retailers commit to specific design and service standards.

Government Programs

Financing for manufactured homes is increasingly available through traditional government homeownership programs, although this is largely limited to homes titled as real estate and placed on the owner's privately owned property. The U.S. Department of Agriculture (USDA) Rural Development (RD) 502 Direct Loan purchase program allows the financing of HUD-certified manufactured homes, when purchased through RD-approved dealers and placed on a permanent foundation. The extremely low interest rates available through the 502 Direct Loan program make it an important resource for low-income buyers in rural areas. Loans can include the home itself as well as related site development work.

The Federal Housing Administration (FHA) provides mortgage insurance on loans made by FHA-approved lenders nationally. The FHA Title I program may be used for the purchase or refinancing of a manufactured home, including those designated as personal property and on leased land. The Title II program may be used for the purchase of a home when placed on a permanent foundation and classified as real estate. Low loan limits have long limited the scope of this program, although they can be increased up to 85% in designated high-cost areas. The program allows for a maximum loan term of 25 years for a multi-section home and lot combination, requires a 5% down payment and owner-occupancy. While challenged by a history of high default rates and low usage (only slightly more than 1,400 loans in 2006), FHA Title I is the only active federal program offering insurance for loans on a manufactured home only, without associated land.

The Housing and Economic Recovery Act (HERA) of 2008 included several provisions to modernize FHA's manufactured housing programs, including increases to loan limits; codification of a previous regulation applying a section of the Real Estate Settlement Procedures Act (RESPA) prohibiting the referral of fees by a lender to dealers, manufacturers, or other parties for the Title I program; requiring a three year lease term for home-only loans on leased land in Title I; and allowing long-term leasehold arrangements under Title II. These changes are expected to increase volume and provide leadership in the industry. The Act also includes a directive for Fannie Mae and Freddie Mac to provide leadership in the manufactured housing market and facilitate a secondary market for manufactured housing loans for low- and moderate-income homeowners.

State housing finance agency programs also are increasingly inclusive of manufactured housing. In Delaware, the Delaware State Housing Authority's (DSHA) main homeownership programs, the Single Family Mortgage Revenue Bond (SFMRB), which provides low-interest mortgages through participating lenders, and downpayment and settlement assistance programs allow for manufactured homes. Homes must be on a permanent foundation, classified as real estate, and meet any other requirements of the lender and insurer, which may vary.

While great advances have been made in access to conventional financing for buyers of manufactured homes that will be titled as real estate and placed on personal property, there are few government programs providing financing for either existing homes in, or new homes to be placed in, manufactured housing communities. The challenges that make financing for these homes difficult in the private market are equally difficult to housing finance agencies. In New Hampshire, where nonprofit and public agencies have made major strides in advancing resident ownership of manufactured housing communities, the New Hampshire Community Loan Fund (NHCLF) recognized that "while resident ownership secures the land for the benefit of the homeowners in a community, the lack of conventional financing still undermines homeownership on that land." (Bradley, 2003) In 2003, the NHCLF originated retail mortgage lending services, for new home purchase, existing home purchase, refinancing and repair loans to residents of the almost 80 manufactured housing communities it has helped convert to resident ownership. It also provides first-time buyers access to state HFA loans. Advances in financing for manufactured housing in New Hampshire have also benefited greatly from state law that allows titling of manufactured homes placed on leased land as real estate (George and Barr, 2005). As discussed in the next section, resident ownership of MHCs can positively impact many of the barriers that have long made lending for homes on leased land challenging.

Personal Property Lending

To purchase a new home that will not be titled as real estate, buyers must use personal property, or "chattel" loans. Even some buyers who will place the home on their own land may still use personal property loans and finance the land separately. Personal property loans for manufactured homes are largely dominated by consumer finance companies and a few that specialize in manufactured home finance. These loans have much higher costs – the price of fast decisions, easy approval processes, and looser credit requirements. Analysis of Affordable Housing Survey data in Apgar, et. al (2002) indicated that manufactured homes on rented land had median terms of 9 percent interest for 15 years (or 8.7% interest for 18 years if on owned land) compared to median terms of 7.5% interest over 25 years for single-family site-built homes. A less formal survey conducted by the Consumers Union in Austin, Texas, found that a borrower with good credit and a five percent down payment would likely have been charged anywhere from 2 to 4 percentage points more by manufactured housing lenders than by a conventional mortgage (Consumers Union, 2000). While the industry has made great strides to reverse the negative stereotypes of high-pressure sales, inflating prices, steering to loans with kickbacks for the retailer, and predatory lending, studies of consumer complaints indicate that some of these concerns are indeed still grounded in practice in some areas of the industry (Consumers Union, 2003).

Further, chattel loans are not subject to many consumer protection laws that apply to conventional mortgages, such as the Truth in Lending Act, Home Ownership and Equity Protection Act (HOEPA), and Real Estate Settlement Procedures Act (RESPA), nor are they subject to Home Mortgage Disclosure Act (HMDA) reporting requirements. RESPA requires disclosure of settlement costs and prohibits kickbacks or referral fees, meaning that retailers "can and frequently do earn commissions, rebates or other payments on loan originations, credit life insurance, property insurance, and other services arranged for at the time the loan is closed." (HUD and NAHB, 2000, 41) Consumer protections for foreclosure on conventional mortgage loans are also far broader than for personal property loans.

Appreciation

A core challenge to improving financing for buyers and wealth-building opportunities for owners is understanding the value of manufactured homes, how it changes, and why. That manufactured homes only depreciate is a widely-held belief, but numerous studies indicate that this is not necessarily the truth, nor is depreciation inherent to the home itself. Further, imperfections in the manufactured housing finance market and the overall legal structure of manufactured home ownership and placement have serious effects on appreciation. As noted earlier, the turmoil in the manufactured housing market in the early part of this decade only worsened perceptions of risk and appreciation in manufactured housing.

> "Contrary to popular belief, depreciation is not inherent to the housing unit; it is a matter of market function. By focusing on land ownership and access to decent financing, communities and affordable housing can be successfully preserved and individuals can build a housing asset in manufactured home communities."
>
> *(Ward, French and Giraud, 2006, p. 3)*

The Consumers Union completed one of the most comprehensive studies on manufactured housing appreciation in 2003, using data from the 1985-1999 AHS Panel as well as county appraisal data from several counties in Texas and extensive literature review. The study sought to investigate the question of, if depreciation is not inherent to the product itself, what is the source of the depreciation (or lack of appreciation) in manufactured homes? And, why do some manufactured homes appreciate more than others. The Consumers Union study found that, overall, average appreciation rates of manufactured homes packaged with owned land are statistically in line with the site-built market. Just like site-built homes, the value of manufactured homes are affected strongly by their location, condition and maintenance. Land ownership, location, purchase price and maintenance expenditures are among the factors that predict appreciation in manufactured homes. Key findings of the report are that:

- In total, manufactured homes appreciated 6% less per year than site-built homes, but those packaged with land appreciated similarly to site-built homes. On average, manufactured homes on leased land depreciated.
- Manufactured homes, both on owned and rented land, had significantly less predictability and higher variation in the appreciation of the units.
- Factors driving appreciation of manufactured homes are structurally different than the factors driving site-built appreciation (p 9).

The Consumers Union (2003) report identified the following as factors influencing appreciation in manufactured housing:

- As in site-built housing, manufactured homes are affected by the appreciation of homes in their neighborhood.
- Owning the lot leads to higher appreciation of the home itself.
- Larger homes appreciate more.
- Intensive use and overcrowding lower appreciation.
- Investing one percent of the value of the home in maintenance yields a half percent improvement in the value.
- Moving a home has a negative effect on its future appreciation: homes still on their first site tended to have greater appreciation than other homes.
- Homes in "urban" census areas did better than rural homes.
- The fact that a home was built since 1980 (a proxy for 1976, the implementation of the HUD Code) does not ensure higher appreciation. While positive, this was not a significant factor.
- For homes placed on the owner's personal property, lot size was significant, with homes on larger lots performing better.
- For those homes located in communities, higher starting lot rent translated to higher appreciation.

A clear message from the research on value and appreciation in manufactured housing is that ownership of land is, by far, the most important factor driving appreciation in manufactured homes. While numerous other factors affect appreciation of manufactured homes, just as in site-built homes, insecure land tenure is of paramount concern and is

"the single most important attribute for equity growth for this type of housing" (HAC, 2005, 29). Two results of this form of tenure – titling as personal property and subsequent lack of conventional financing – further challenge equity growth for owners of manufactured homes.

SUMMARY – Legal and Financial Framework of Manufactured Housing

- For the vast majority of manufactured homeowners, a manufactured home is a permanent housing product, despite legal, financial and tenure structures that continue to treat it as an impermanent and highly mobile one.
- All new manufactured homes are titled as personal property. Homes placed on a permanent foundation, typically on the owners property, can have the title surrendered to become classified as real estate.
- While land lease communities remain a popular option, the majority of new manufactured homes (74% in 2007, nationally) are placed outside manufactured housing communities. Subsequently, a steadily increasing percentage is titled as real estate. Still, millions of homes, new and existing, are classified as personal property and located on leased land.
- While the majority of manufactured housing communities are operated well and with consideration for homeowners' interests, the fact remains that owning a home on rented land over which the homeowner has no control, possibly a fairly short-term lease, and no predictability of future rent costs and the constant possibility of community sale or closure creates a fundamentally vulnerable situation for the homeowner. As an extension of that vulnerability, the unique legal situation of manufactured housing creates issues with how homes are titled and financed.
- Legally, manufactured homes are often still treated as mobile and impermanent housing, even though this is accurate for an increasingly small portion of the industry and homeowners. This creates issues with how homes are titled, valued, and resold that, combined, make them difficult candidates for long-term conventional mortgages. Conventional financing for manufactured homes placed on personal property and permanent foundations has expanded significantly in recent years, but there is little progress for homes titled as personal property and on leased land. For these homes, a personal property loan is generally the only option. As a result, homeowners have fewer protections, face higher costs, and ultimately negative effects on their ability to build wealth through their home.
- Despite widely held views that manufactured housing only depreciates, research indicates that depreciation is not necessarily inherent to manufactured housing itself, but a reflection of issues I the market. Just like site-built homes, the value of manufactured homes are affected strongly by their location, condition and maintenance. Studies show that ownership or control over the land on which the home is placed affects appreciation more than any other factor. Less directly, appreciation in manufactured housing is also affected by the availability of financing, which is also tied to how homes are titled and sited.

RESIDENT OWNED COMMUNITIES (ROCS)

The steady expansion of conventional lending for manufactured homes placed on private property indicates that many of the issues with lending for manufactured homes placed in manufactured housing communities are not the result of deficiencies in the product itself, as many have long believed. Rather, in many ways these challenges are in fact artifacts, direct and indirect, of this ultimately insecure form of tenure. The two main recommendations to improve appreciation (and subsequently asset-building opportunities for owners) in manufactured housing are to 1) gain control of the land on which the home is sited; and 2) gain access to favorable home loans as close to conventional mortgages as possible (Jewell, 2003).

The most common form of resident ownership for manufactured housing communities is a cooperative corporation. In this model, homeowners join together to form a corporation operating on one-member/one-vote rule. Every household in a community can become a member and participate in the governance and operation of the community. Each household owns a share in the cooperative, which is governed by a member Board elected by the membership. In smaller communities, the Board and Committees may do the work of managing and operating the community directly; in larger ones, the Board may arrange for the contracting of a management agent.

Stable rents, more secure tenure, having a voice in community management, and capital improvements are all clear benefits of resident ownership. While rents may be lower for homeowners in ROCs over time, there is not always an immediate drop in rents as new ROCs must often make major investments in the community's infrastructure, such as water and septic systems and roads. In New Hampshire, where almost 90 communities have converted to resident ownership over the last 25 years, a recent evaluation study showed that homeowners in resident owned communities have "significant economic advantages over counterparts in investor-owned communities, as evidenced by higher average home sales prices, faster home sales, and access to fixed rate home financing. Additionally, residents who own their communities consistently perceive greater control over and stability in their lot rents and governance, and worry less about being displaced because of park closure for redevelopment." (Ward, French & Giraud, 2006, p. 4)

While there are strong initiatives to convert MHCs to resident ownership in several states, notably Minnesota, California and Vermont, the work of the New Hampshire Community Loan Fund (NHCLF) stands out as a national model. Since the mid-1980s, the NHCLF has provided financing and technical assistance resulting in the creation of almost 90 resident-owned communities, 20% of the MHCs in the state. None of these communities has failed, defaulted or been sold.

Key Elements for ROC Success

The NHCLF's strategy to convert MHCs to resident ownership recognized the short and long-term elements for success. NHCLF's comprehensive technical assistance addresses everything from community organizing to the provision of financing tools and long-term technical assistance, particularly in organizing, management, and planning for and financing major community improvements. Conversion to resident ownership is a complicated process, especially as it is often under time constraints. Pre-purchase, the community must organize, develop the cooperative structure and leadership, educate members, assemble the deal, legal documents, engineering, engage in negotiations for purchase, and financing. Post-purchase, the cooperative is faced with developing and implementing a management plan, training

the Board, membership and committees, engaging contractors and third parties, and developing leadership.

Unfortunately, comprehensive short and long-term technical assistance and access to financing are of little use if homeowners simply do not have the opportunity to purchase the community. In New Hampshire, a strong right of first refusal law has been critical to the success of NHCLF's efforts. New Hampshire's right of first refusal law gives homeowners time to form a cooperative, get financing, and make an offer on their community. Community owners are required to give homeowners 18 months notice of park closure, and 60-day window of notice before sale to an outside investor, during which the homeowners can organize the cooperative and match the outside offer. This law has played a critical role in most of New Hampshire's ROC conversions.

Several other states have similar laws, with various features. For example, Vermont's law gives tax benefits to park owners who sell to residents in addition to a right of first refusal. California, home to over 5,400 manufactured housing communities, has also made great strides in resident ownership, although an exact number of how many have converted is unclear. The state Department of Housing and Community Development operates a Mobilehome Park Resident Ownership Program, enacted in 1984, to provide loans to homeowner groups to purchase their communities. Funds are also available to nonprofit sponsors. Funded by an annual $5 assessment on leased lots, the program has provided funds for 74 conversions, over 12,000 lots, as of December 2006.

I'M HOME in Delaware: New Horizons

The Delaware Housing Coalition (DHC) and Diamond State CLT (DSCLT) are I'M HOME local partners in Delaware. During the grant period, the coalition and its partners developed an implementation plan for the Diamond State CLT's first manufactured housing community, New Horizons Cooperative. The New Horizons Cooperative is an organization of poultry workers and other low income workers who are creating a manufactured housing community with an agricultural enterprise in Sussex County. The homes will be affordable to households at 50% of area median income. The parcel will be located on Diamond State CLT land.

Formed initially as a group of displaced manufactured housing park residents, New Horizons formed in 2003 in response to an unfair eviction notice, issued because residents had complained to the state about the use of illegal cesspools and lack of drinkable water. With DHC's help, New Horizons fought the eviction as a violation of residents' fair housing rights and also offered to buy the land from the owner. While neither of these ultimately worked, New Horizons were able to win a one-year, court-mandated extension to their collective lease. "Eventually we had to leave," says Rene. "Though we have been separated for the last year, we have continued to develop our cooperative and to work on coming back together as a stronger community than before." With DHC and other local partners – agricultural extension agents, members of the nearby Presbyterian church, a local law firm and the DSCLT – cooperative members worked steadily toward buying land for their new community in an agricultural area where they would be able to farm part of the land together. In September 2007, the group parlayed their savings into a contract for the property on which they will build their new home.

(*http://www.diamondstateclt.org/docs/imhome_delaware.pdf*)

Initiatives to Advance ROCs

As news of the success of the New Hampshire Community Loan Fund (NHCLF)'s activities to convert manufactured housing communities to resident ownership spread, many other states hoped to develop similar technical assistance and financing resources. Some have been successful, but national funders and groups recognized the need for a national-level initiative to advance resident ownership in more areas without having to recreate a technical assistance and financing network in each state.

In May 2008, the New Hampshire Community Loan Fund and Corporation for Enterprise Development (CFED) launched ROC USA™, which will take the model developed in New Hampshire to scale nationally. A network of Certified Technical Assistance Providers (CTAPs) will provide pre-purchase and post-purchase

training and technical assistance to residents of manufactured housing communities in 29 states. In addition to technical assistance through CTAPs, ROC USA™ will also provide financing for conversions as well. The initiative launched with investments exceeding $8 million from the Ford Foundation, Fannie Mae, CFED, NCB Capital Impact, and the Loan Fund.

Recognizing the importance – and potential - of manufactured housing as a source of affordable housing for millions of households, in 2005 the Corporation for Enterprise Development (CFED) launched Innovations in Manufactured Homes (I'M HOME), a comprehensive initiative to improve conditions for existing manufactured home owners, expand the supply of good quality, affordable housing, and to make sure that families who choose a manufactured home receive the same treatment and benefits as owners of any other type of home. With national and local partners and support from the Ford Foundation, I'M HOME invests resources to build capacity and carry out demonstration projects to:

- build high-quality manufactured homes;
- develop and provide access to fair and responsibly-priced mortgage financing;
- address the challenges facing residents in manufactured housing park communities; and
- advocate for public policies that help owners of manufactured homes.

SUMMARY – Resident Owned Communities

- Resident ownership of manufactured housing communities is a promising means to improve security of tenure for manufactured homeowners. In the most common form, a cooperative corporation, homeowners form and become members of a cooperative that purchases and operates the community. By owning a share of the corporation and having a say in the community's ownership, homeowners can have greater 1) security against sale or closure of the community; 2) predictability of future lot rent costs; and 3) control over the governance of their community.
- The opportunity to purchase the community, comprehensive pre- and post-purchase technical assistance, and financing are key factors for the success of conversions to resident ownership.
- Initiatives to advance resident ownership of manufactured housing communities have been very successful in some areas, and those successes are having real results for homeowners. A study done in New Hampshire, where the New Hampshire Community Loan Fund (NHCLF) has helped homeowners in 90 communities purchase their communities, indicates that homeowners in resident-owned communities have "significant economic advantages over counterparts in investor-owned communities, as evidenced by higher average home sales prices, faster home sales, and access to fixed rate home financing." (Ward, French & Giraud, 2006, p. 4)

MANUFACTURED HOUSING TENURE ISSUES IN DELAWARE

Landlord/Tenant Code

The Delaware Manufactured Home Owners and Community Owners Act (25 Del.C. §7001 to 7027) took effect on August 23, 2003. A major rewrite of the Mobile Home Lots and Leases Act, the new Act regulates and determines the rights, remedies and obligations of all parties to a rental agreement for a lot for a manufactured home in a manufactured housing community in Delaware.

The new Act set out new and detailed standards for rental agreements, landlord and tenant obligations, fees, rules, home standards, sale of homes, termination of lease, and provisions intended to protect and assist homeowners in the event of a change of land use. It also created the Delaware Manufactured Home Relocation Trust Fund and Authority, which has proved an important resource to assist homeowners to relocate or be compensated for the abandonment of their homes as a result of community closure. A detailed summary of the law is available online at http://attorneygeneral.delaware.gov/media/pdf/manuhoussumm.pdf.

While the new Act was a major step forward in improving protections for manufactured home owners in land-lease communities, issues remained. In the midst of the real estate boom, demand for land and prices developers were willing to pay, especially in Sussex County, skyrocketed. Several communities closed following sales and change of land use, and many others felt the pressure. Several large communities in Delaware were also sold to national investment companies, leaving homeowners feeling even more at risk. In Eastern Sussex County's resort areas, many homeowners were faced with large and unexpected rent increases that many felt were essentially a form of "financial eviction" in order to reinvent communities as resort and retirement locations.

Growing concerns about park closures and the lack of recourse for homeowners facing such rent increases led advocates to work to advance a variety of measures, notably a resident notification/right of first refusal and rent justification bills. Over the course of several years, numerous versions of these bills have been developed, introduced and debated. The various rent justification bills – which would require that lot rent increases be justified by increased operating costs or market conditions - have been most contentious. Rent justification remains a priority for the Delaware Manufactured Home Owners Association (DMHOA) in the future.

In 2008, advocates focused on achieving a right of first refusal to guarantee homeowners the opportunity to purchase their communities cooperatively, if the community is otherwise to be sold. After a lengthy negotiation process, representatives of manufactured home owners and community owners reached an agreement on House Bill 504 late in the 2008 session of the 144th General Assembly. The bill, which amends the Delaware Manufactured Home Owners and Community Owners Act, institutes strong provisions for manufactured home owners who wish to purchase their community.

HB 504 guarantees homeowners, through a homeowners association or cooperative, a right of first offer. Community owners are required to give residents advance notice of their decision to sell, transfer or convey the land, regardless of whether it will result in a change of land use or not. It also requires that the Delaware Manufactured Home Relocation Authority, the homeowners association if one exists, and the Delaware Manufactured Home Owners Association be notified. The notice is accompanied by the price, any special conditions affecting the sale, and information on operating expenses and capital expenditure costs. A homeowners association then has 30 days to respond to the notice with its intent to accept or reject the offer or make a counteroffer.

An offer from the homeowners association is valid for 12 months, unless withdrawn, and in that time period, the community owner may not sell the community at or less than the price offered in the offer from the homeowners association. The community owner may accept a higher offer without any obligation to the homeowners association, unless the higher offer is within a certain percentage of the homeowners association offer. In this case, the homeowners association must be given seven business days to match the higher offer. The Act also includes model bylaws for homeowners associations, to serve as guidelines for what qualifies as a homeowners association.

Efforts to Advance ROCs in Delaware

Efforts to advance resident owned communities in Delaware have faced several challenges, the two broadest being 1) the lack of a guaranteed opportunity to be aware of the sale of a community before it happens and thus no opportunity for residents to purchase it directly; and 2) the lack of specialized and coordinated technical assistance for communities pursuing conversion. While these challenges are faced by many states, communities seeking conversion in Delaware have faced particular roadblocks.

Many of the communities where homeowners feel the most risk and vulnerability to community closure or sale are in Sussex County's beach resort areas. However, in these areas the exact conditions that put homeowners at higher risk may make conversion efforts particularly difficult. As ROC USA™ notes on their website, homeowners can afford to compete with other potential buyers because "communities are ultimately bought and sold based upon cash flow – the monthly site rents that homeowners pay, plus any other income generated by that parcel of real estate and business operation. The cash flow can be the same for homeowner groups as for any competing buyer." (http://www.rocusa.org) In some areas in the recent real estate boom, land prices were so high that the homeowners cannot compete with either the community owners' desired price or the price developers planning a change of land use are willing to pay. In other cases, a community may be organized and wish to convert to resident ownership, but with an owner who is not interested in selling, or at least not to the homeowners.

The passage of HB 504 granting residents a right of first offer to purchase their communities is a major leap forward in the effort to advance conversion to resident ownership in Delaware. Successes around the country demonstrate that statutes providing homeowners with the opportunity to purchase their homes – either through a first offer, matching offer, or right of first refusal – are critical to large-scale successes. Without them, conversions can only be piecemeal at best and rely on a series of unlikely and unpredictable coincidences to succeed.

Following close on the passage of HB 504, Delaware was also added by ROC USA™ as a state where manufactured homeowners associations/cooperatives will be eligible to receive technical assistance to pursue conversion to cooperative ownership. Real Estate Advisory and Development Services, Inc. (READS), a technical assistance provider through ROC USA™, was approved in July 2008 to expand its service area to include Delaware. As of October 2008, DMHOA and READS were working with three communities up for sale, two in Kent County and one in New Castle County.

Since the creation of the Delaware Manufactured Home Relocation Trust Fund, there has been some interest in expanding the uses of the trust fund to include not only assistance to homeowners in communities where closure is imminent, but possibly also proactive assistance in the form of startup, feasibility or capital funding to homeowner associations seeking to convert to cooperative ownership. While this has not moved forward yet, it could be a useful tool in addressing the need for financing for conversions.

Dispute Resolution

Authorized by Title 29, Section 2519(b) of the Delaware Code, the Delaware Council on Manufactured Housing is intended to advise the Division of Consumer Protection in the Attorney General's office on matters relating to manufactured home owners and tenants, manufactured housing and manufactured home communities. The Council is composed of 14 members including representatives of the manufactured housing industry and both renters and owners of manufactured homes from all three Counties, and is supported by staff from the Division of Consumer Protection.

The Council also reviews grievances between manufactured home community owners and tenants or groups of tenants in accordance with the Delaware Manufactured Housing Alternative Dispute Resolution Act (25 Del.C. § 7001). The Act provides a means to resolve disputes about rules and regulations, leases, or alleged violation of manufactured housing laws without litigation by using alternative dispute resolution techniques. The Council, by an affirmative vote of a majority of its members, determines that an existing dispute or grievance between a community owner and tenant or group of tenants should be referred to alternative dispute resolution. These efforts have been very successful and all cases referred to mediators to date have been resolved successfully.

Lot Rent Assistance Program

In 2005, community owners and the First State Manufactured Housing Association developed a voluntary lot rent assistance program to help very low-income homeowners facing high lot rent costs. In 2006, this program was made mandatory for owners of communities of more than 25 lots through an amendment to the Manufactured Home Owners and Community Owners Act. Homeowners are eligible for lot rent assistance when they meet the following criteria:

1) eligible for Social Security Disability or Supplemental Security Income benefits, or are 62 years of age or older;
2) have owned their home and/or resided in the home in the manufactured housing community prior to July 1, 2006;
3) reside full time and exclusively in the manufactured home in the manufactured home community, and it must be the homeowner's only residence;
4) have liquid assets of less than $50,000; and
5) not be recipients of any other rental assistance funding.

In addition, the homeowner/household's income must be less than 40% of the Area Median Income for the county where the community is located, adjusted for household size. In 2008, for a family of four, this would mean an annual income of $23,480 in Kent County, $22,080 in Sussex County, and $28,840 in New Castle County. In addition, the lot rent, excluding utility charges and other charges, fees and assessments must exceed 30% of the income, adjusted for household size, based on 40% of the county's median income. For a family of four in 2008, this would mean that lot rent must equal or exceed $587/month in Kent County, $552/month in Sussex County, and $721/month in New Castle County. The lot rent assistance provided is in the form of a credit for the amount that the lot rent exceeds 30% of the income for a household with income of 40% of the county median income, adjusted for household size. Eligibility must be recertified annually.

To date, no state-level summary statistics are being kept on the number of applicants and number of households participating in the lot rent program. However, it is expected that the number is fairly low, due to the strict eligibility requirements. On July 1, 2008, a bill was introduced in the General Assembly to expand the eligibility requirements for the program to households with incomes of less than 50% of Area

Median Income and increasing the liquid assets limit to $65,000. It was assigned to the House Subcommittee on Manufactured Housing.

Delaware Manufactured Home Relocation Authority

The Delaware Manufactured Home Relocation Authority (DMHRA) was established by the Delaware Legislature as part of the Delaware Manufactured Home Owners and Community Owners Act. The primary purposes of the Authority are to provide financial assistance to manufactured home owners who are tenants in a manufactured home community where the community owner changes the use of the land; and to provide financial assistance to manufactured home community owners for the removal and/or disposal of unrelocatable or abandoned manufactured homes when there is a change in use or a conversion. This is accomplished through the Delaware Manufactured Home Relocation Trust Fund, which is funded by a special assessment of $3.00 per month per leased lot.

Through the Trust Fund, homeowners can apply for reimbursement of costs to relocate a home (maximum reimbursement of $4,000 for a single-section home or $8,000 for a multi-section home), or abandonment, or for fair market value up to a cap set by DMHRA if the home is judged to be unmovable. Landlords can also be eligible for up to $4,000 for a single wide and $8,000 for a multi-section home, to remove and dispose of homes abandoned by their owners or deemed to be unrelocatable. In just its first few years of existence, the trust fund has proved a valuable and necessary resource for many homeowners, assisting approximately 137 homeowners with $497,057 in relocation assistance since its creation in April 2004 through September 2008.

The enabling legislation for the Fund and Authority limits reimbursement to homeowners whose homes cannot be moved to a cap to be set by the Board of DMHRA. The Board has worked to establish these caps for non-relocatable homes but has not been successful in approving any proposed caps with a ¾ majority. A continuing concern is that without a cap and at the current monthly assessment rate of only $3 per leased lot, the Fund has very high exposure to be liable for large reimbursements to homeowners of non-relocatable homes. Community closures resulting in a large number of claims for high-value non-relocatable homes could conceivably threaten the Fund's solvency.

Enforcement also remains a challenge for the DMHRA. At its inception, there was little compiled information about manufactured housing communities in Delaware. Information was fragmented among various county and state offices. Simply assembling a comprehensive and current list of all active communities in Delaware, their owners, location and size in order to make sure all are paying into the Trust Fund as required has been a difficult task. Other aspects of enforcement exist on the opposite end, as claims are made and reimbursements issued: ensuring that homes are moved or disposed of as planned and communities filing change of land use actually are closed. In 2006, SB 388 created civil penalties, including repayment of all assistance provided from the Trust Fund, for owners of communities who claim a change of land use and either 1) fail to pursue changing the subdivision plan or zoning designation or 2) reuse the land for manufactured home or other dwelling lot rentals, as has been the case in at least one community where a change of land use was claimed. In 2008, DMHRA is expanding its staff to include a Code Enforcement Officer.

SUMMARY – MANUFACTURED HOUSING TENURE ISSUES IN DELAWARE

- The 2003 Delaware Manufactured Home Owners and Community Owners Act, a major update of the existing Mobile Home Lots and Leases Act, and subsequent additions have made several positive steps forward, including:

- Creation of the Manufactured Home Relocation Trust Fund, with an associated dedicated revenue source, to provide relocation assistance to homeowners in communities closing due to change of land use;
- A lot rent assistance program for homeowners who are eligible for Social Security Disability or Supplemental Security Income or who are over 62 years old and meet other eligibility requirements;
- Creation of a process for resolution of disputes between homeowners and community owners via the Governor's Advisory Council on Manufactured Housing and outside mediators; and
- Establishment of a right for manufactured homeowners, as an association or cooperative, to make and match offers for the purchase of their community.

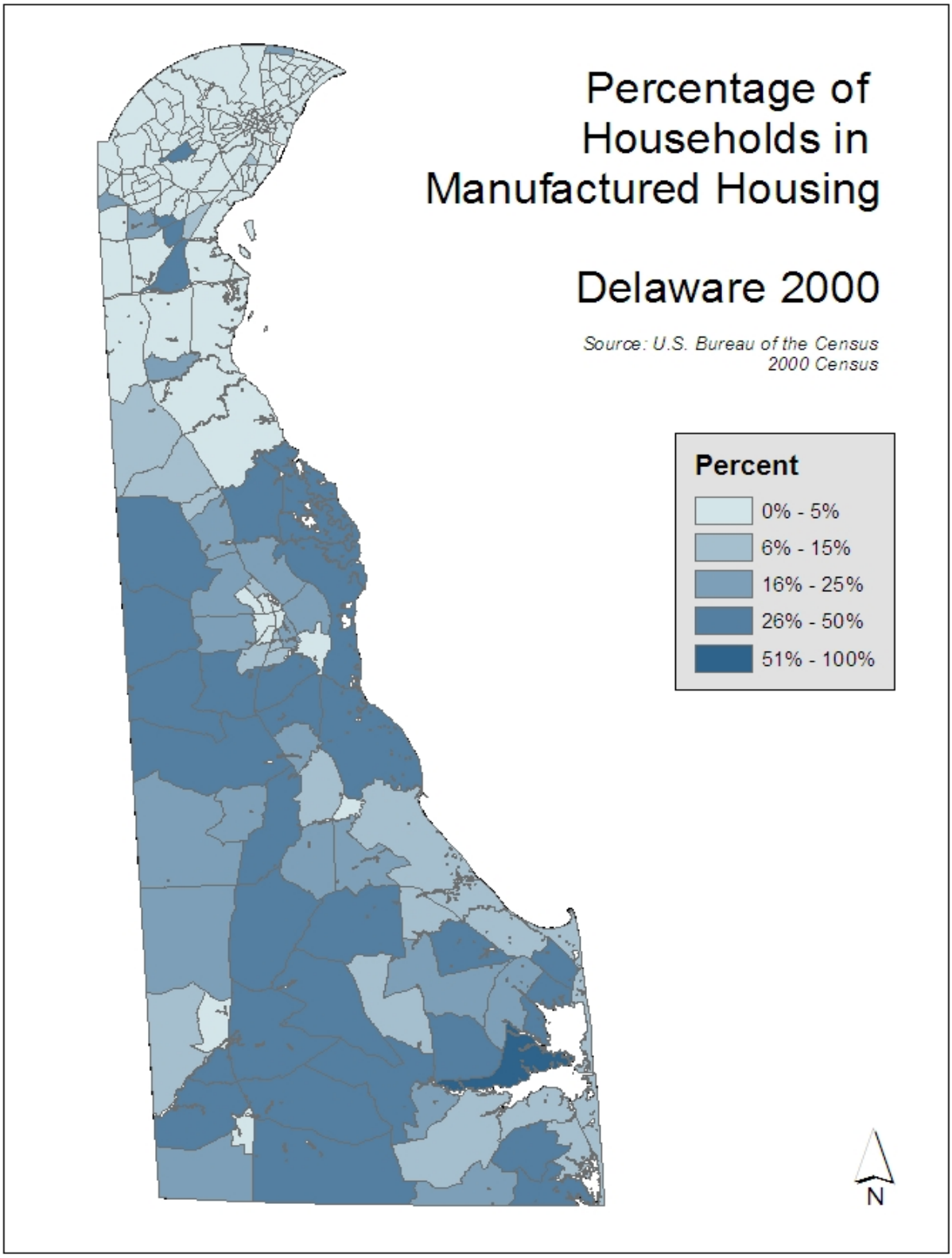
- While the 2003 legislative update and other initiatives in recent years have improved conditions for homeowners, as homeowners on leased land over which they have no control, they remain essentially vulnerable, particularly to community closure, but also to sale of the community and lot rent increases.
- Efforts to advance resident ownership of manufactured housing communities in Delaware have not been highly successful to date. However, the combination of the following has created a much more favorable environment for conversions:
  - The passage of an amendment to the Delaware Manufactured Home Owners and Community Owners Act (HB 504) giving manufactured homeowners the right to make a first offer on their community when the owner is interested in selling;
  - The availability of technical assistance and financing through a ROC USA™ Certified Technical Assistance Provider, READS NJ; and
  - The real estate slowdown and subsequent drop in real estate values and development pressures, especially in Sussex County.

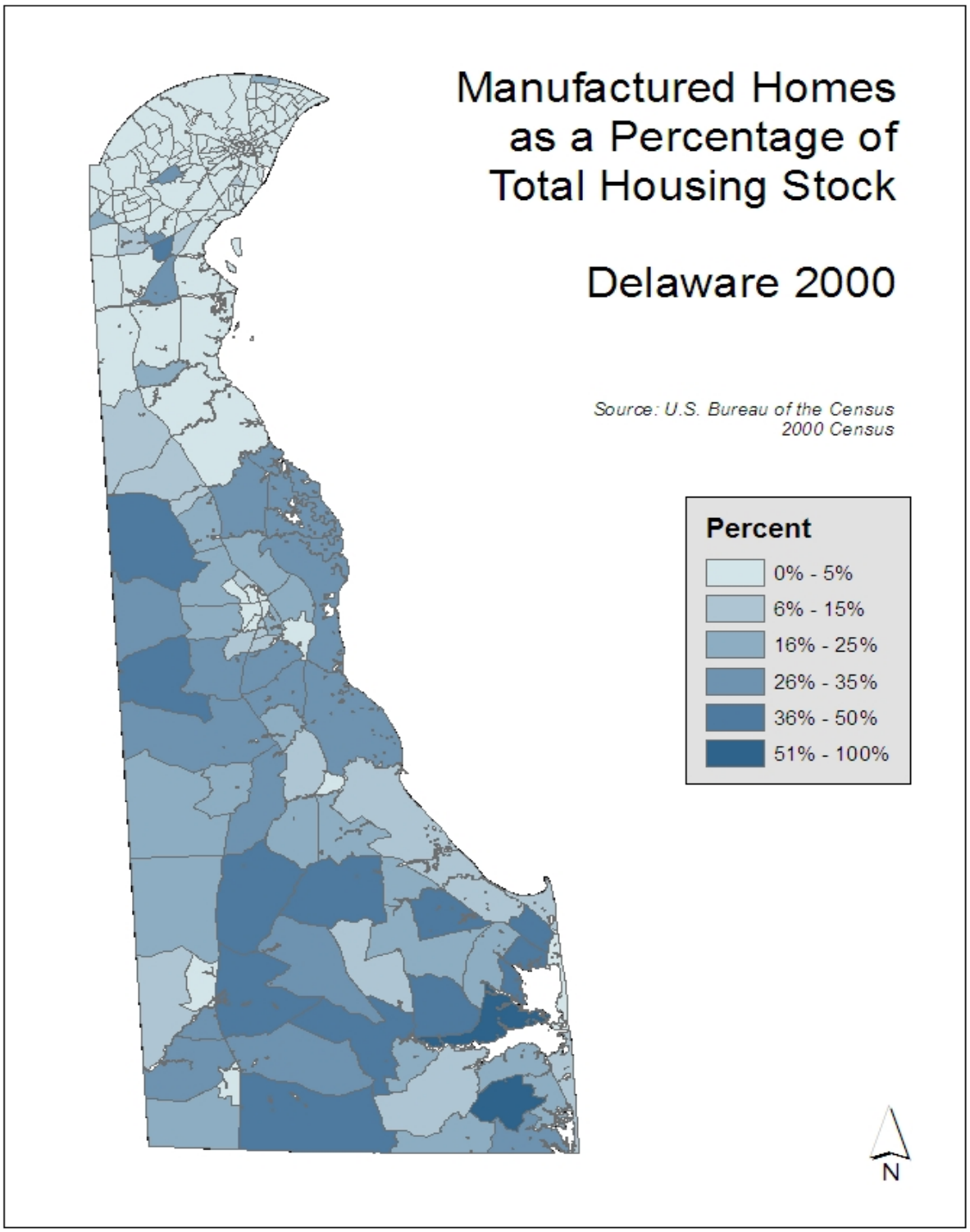
CONCLUSION

The importance and permanence of manufactured homes as a source of affordable housing in the United States has long been underestimated and plagued by unfamiliarity, negative stereotypes, and often outright dismissal. But for decades, manufactured housing has played a major role in housing millions of Americans. In many areas it has been a driving force in the expansion of homeownership among low-income families.

Examples and groundbreaking work at the national and local level demonstrate that there are sector-wide solutions to some of the sector-wide challenges that ultimately have great impact on manufactured homeowners' housing security and ability to build wealth through their home. Delaware has a large stock of manufactured homes, a high percentage of homes in land-lease communities, and many homes near resort areas. Measures to protect manufactured homeowners in Delaware are critical. Fortunately, there have been many positive steps, including comprehensive revision of the landlord/tenant code for manufactured housing; the development of the Delaware Manufactured Home Relocation Trust Fund; and recent passage of amendments to the Manufactured Home Owners and Community Owners Act requiring that homeowners be notified of planned sale of their community and have the opportunity to pursue purchase and conversion to resident ownership.

Another area for continued effort in Delaware is the coordination of governmental responsibility and resources related to manufactured housing. Responsibility for manufactured housing issues in Delaware is fractured among many different entities and levels of government. Current and future manufactured homeowners would benefit from efforts to improve coordination between the various levels of government, agencies and entities responsible for different aspects of manufactured housing.

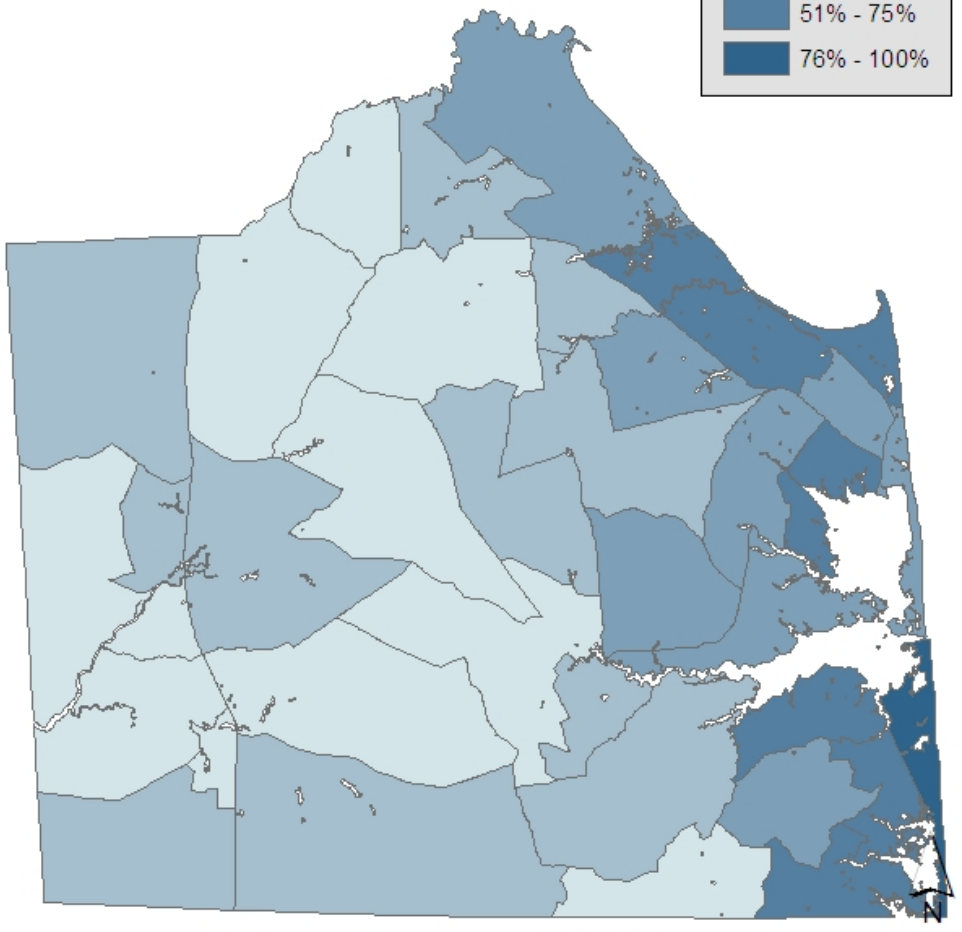

Percentage of Households in Manufactured Housing
Delaware 2000
Source: U.S. Bureau of the Census
2000 Census
Percent
0% - 5%
6% - 15%
16% - 25%
26% - 50%
51% - 100%
N

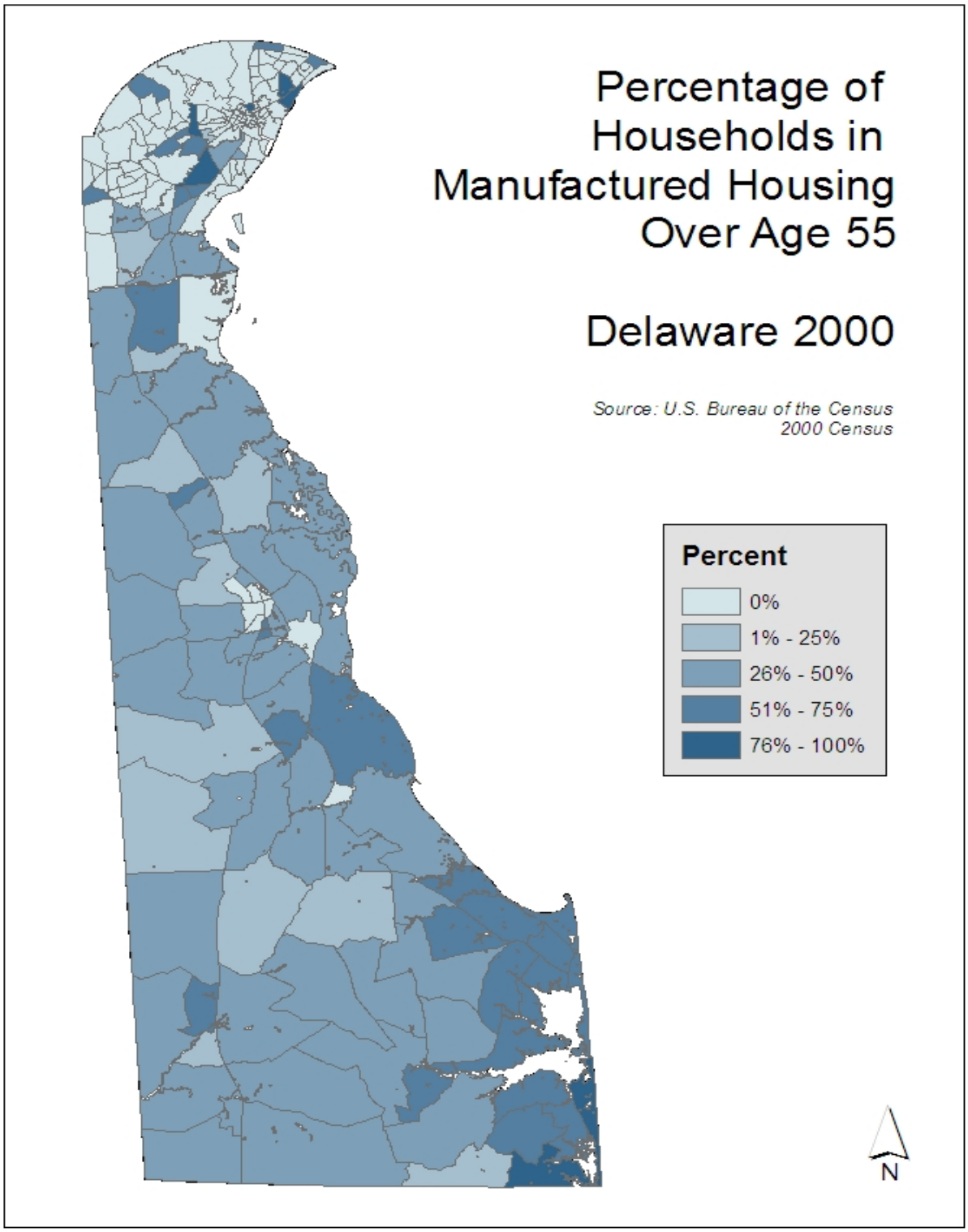

Manufactured Homes as a Percentage of Total Housing Stock
Delaware 2000
Source: U.S. Bureau of the Census
2000 Census
Percent
0% - 5%
6% - 15%
16% - 25%
26% - 35%
36% - 50%
51% - 100%
N

Percentage of Manufactured Homes Vacant

Sussex County 2000

Source: U.S. Bureau of the Census
2000 Census




Percentage of Households in Manufactured Housing Over Age 55
Delaware 2000
Source: U.S. Bureau of the Census
2000 Census
Percent
0%
1% - 25%
26% - 50%
51% - 75%
76% - 100%
N

Government Resources for Homeowners

U.S. Department of Housing and Urban Development

http://www.hud.gov/offices/hsg/sfh/mhs/mhshome.cfm

HUD has agreements with 38 state governments to conduct checks of plant records and respond to consumer complaints related to manufacturing, performance, quality and construction issues. The state government designates a State Administrative Agency. HUD staff carry out these functions in the other 12 states without SAAs, including Delaware. Contact for complaints:

Office of Manufactured Housing Programs
Office of Regulatory Affairs & Manufactured Housing
Department of Housing and Urban Development
451 7th St. SW, Room 9164
Washington, DC 20410-8000

Phone: 1-800-927-2891
Fax: (202) 708-4213
mhs@hud.gov

Delaware Office of the Attorney General - Consumer Protection Unit

http://attorneygeneral.delaware.gov/consumers/protection/manuhousing.shtml

The Consumer Protection Unit is responsible for the enforcement of the Delaware Manufactured Home Owners and Community Owners Act, as well as Delaware's general landlord/tenant code. Homeowners with questions about their rights can contact the Consumer Protection Unit. Summaries of the law and information about Alternative Dispute Resolution are available on the Unit's website.

Carvel State Office Building
820 N. French St
Wilmington, DE 19801

New Castle County: 302-577-8600
Kent and Sussex Counties: 1-800-220-5424
consumerprotection@state.de.us

Delaware Manufactured Housing Relocation Authority

http://www.demhra.delaware.gov/index.shtml

The Delaware Manufactured Housing Relocation Authority provides relocation assistance to manufactured homeowners in communities that are closing. This can take the form of assistance with costs to move a home, or compensation if the home cannot be moved and must be abandoned. Assistance is also available to community owners to help with costs to dispose of abandoned homes. Application forms are available on the Authority's website.

PO Box 370
Camden, DE 19934

Phone: (302) 674-7768
demhra@verizon.net

Delaware Board of Manufactured Home Installation

http://www.dpr.delaware.gov/boards/manufactoredhomes/index.shtml

The Board of Manufactured Home Installation licenses manufactured home installers and certifies inspectors. The Board has the authority to discipline licensees. Detailed instructions to file a complaint about a licensed installer or to report unlicensed activity are on the Board's website.

Cannon Building, Suite 203
861 Silver Lake Blvd.
Dover, DE 19904

Phone: (302) 744-4500
Fax: (302) 739-2711
customerservice.dpr@state.de.us

Resources

Delaware Manufactured Home Owners Association (DMHOA)
http://www.dmhoa.org

The Delaware Manufactured Home Owners Association is Delaware's statewide membership and advocacy organization for owners of manufactured homes on leased land. DMHOA members, including homeowner associations in about 60 communities, are active in many groups and initiatives around manufactured housing in Delaware and are active advocates for homeowners' interests in the state legislature.

4590 Highway One PMB 112
Rehoboth Beach, DE 19971

Phone: (302) 945-2122

First State Manufactured Housing Association (FSMHA)
http://www.firststatemha.org

First State Manufactured Housing Association is an association of businesses in the manufactured housing industry in Delaware, including community owners, retailers, manufacturers, lenders, insurers, and others. FSMHA staff and members are active in many various groups and initiatives around manufactured housing in Delaware.

2 N. State St.
PO Box 1829
Dover, DE 19903-1829

Phone: (302) 674-5868
Fax: (302) 674-5960
info@firststatemha.org

ROC USA™
http://www.rocusa.org

ROC USA™ is a national organization working with local technical assistance providers to provide pre- and post-purchase training and technical assistance to manufactured homeowner groups to buy and sustain their communities. In Delaware, these services are available through New Jersey-based Real Estate Advisory and Development Services (READS).

7 Wall Street
Concord, NH 03301

Phone: (603) 856-0246
Fax: (603) 225-7425
info@rocusa.org

Real Estate Advisory and Development Services (READS)
http://www.readsnj.com

READS is a nonprofit real estate development and consulting firm with a focus on community and economic development. A Certified Technical Assistance Provider (CTAP) through ROC USA™, READS can deliver pre- and post-purchase technical assistance, including help in securing financing, to manufactured homeowner groups seeking to purchase their communities in Delaware and New Jersey.

280 Amboy Ave., 3rd Floor
Metuchen, NJ 08840

Phone: (732) 635-1000
Fax: (732) 635-2000

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DELAWARE STATE HOUSING AUTHORITY

18 The Green
Dover, DE 19901
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(302) 739-4263

Document Control Number 10-08-01-08-11-01

Chapter 66 - MANUFACTURED HOMES AND TRAILERS

Sec. 66-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile home means a single-family dwelling designed for transportation, after fabrication, on streets and highways on its own wheels or on flatbeds or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location of jacks or foundations, connections to utilities and the like. The term "mobile home" shall not include a single-family dwelling which is designed to be placed on a permanent foundation, is not designed to be readily movable after the original occupancy as a single-family dwelling, and conforms to the city's building, plumbing, electrical and housing codes.

Permanently placed mobile home means a single-family dwelling designed for transportation, after fabrication, on streets and highways on its own wheels or on flatbeds or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for placement upon a permanent, unmovable foundation, removal of all wheels and axles, and other minor incidental operations, such as unpacking, connections or utilities and the like. The term "permanently placed mobile home" shall be construed as being synonymous with that of the term "single-family dwelling," a dwelling which is designed to be placed on a permanent foundation, is not designed to be readily movable after the original occupancy as a single-family dwelling, and conforms to the city's building, plumbing, electrical and housing codes, except for the purpose of zoning in which it shall be considered a mobile home.

Owner of a mobile home means the person designated in the title of the mobile home, whether the title is issued by this state or by some other state.

Owner of a permanently placed mobile home means the person designated in the title of the mobile home, whether the title is issued by this state or by some other state, and such person must also be the owner of the lot upon which the mobile home is permanently affixed. The term "lot" shall mean a parcel of land that conforms to the multiple ownership provisions of the laws of the state dealing with unit properties and condominiums, and must be located within a mobile home park.

(Ord. of 2-23-1970, § 2; Code 1981, § 12-1; Ord. of 11-10-1986, § 1)

Sec. 66-2. - License.

(a) Required fee. The owner of a mobile home shall obtain an annual license for it and shall pay a fee for such license as provided for in Appendix F—Fees and Fines.

(b) Payment; penalties. Such license shall be obtained and the license fee paid by July 1 of each year and if such fee is not paid before August 1 of such year, then, in addition to any penalty incurred pursuant to Appendix F—Fees and Fines, a penalty fee of ten percent per month shall accrue on the unpaid balance of the license fee.

(c) Moving into city. Upon the moving of a mobile home into the city, such license shall be obtained and the license fee paid within seven days. Payment of such license fee shall be prorated on a quarterly basis for each fractional part of a year during which the mobile home is in the city.

(d) Sticker; where placed. Once the annual license fee has been paid by the owner of a mobile home, he shall be issued a sticker or other evidence of payment by the city manager or his authorized agent. This sticker or other evidence of payment must be placed upon the mobile home on the front of the mobile home facing the street on the righthand side when facing said mobile home one foot up from the bottom of the skirting and one foot over from the side of the mobile home.

(Ord. of 2-23-1970, § 2; Ord. of 5-24-1976; Ord. of 3-27-1980; Code 1981, § 12-2; Ord. of 8-8-1988; Ord. of 3-22-1993; Ord. No. 2009-09, 6-22-2009)

Sec. 66-3. - Real property taxes.

A permanently placed mobile home as defined in section 66-1, and the lot upon which it is located shall be considered as being real property for purposes of valuation, assessment and taxation in accordance with section 47 of the Charter, but shall be considered a mobile home as defined in section 66-1 for purposes of zoning and shall only be permitted to be located in the mobile home park zone (MPH), as spelled out in appendix B to this Code (article 3, section 8). This section shall not apply to permanently placed mobile homes that were in place on January 1, 1985, which shall continue to be licensed in accordance with section 66-2.

(Code 1981, § 12-2.1; Ord. of 11-10-1986, § 2)

Sec. 66-4. - Placement permit.

Every owner of a mobile home, before moving the same into the city, shall apply for and obtain from the city manager or his authorized agent a placement permit for such mobile home. The city manager or his authorized agent shall issue no placement permit until the license fee required in this chapter is paid in full.

(Ord. of 2-23-1970, §§ 3, 6; Ord. of 5-24-1976; Code 1981, § 12-3)

Sec. 66-5. - Duties of mobile home park operators.

(a) Documents to mobile home owners. Copies of this chapter and placement permit application forms shall be furnished to each mobile home park operator, who shall give a copy of the same to every mobile home owner who moves a mobile home into his park, before the 15th day of the next succeeding month after placement of the mobile home.

(b) Lease record; report. Mobile home park operators who lease land to two or more persons for parking mobile homes shall maintain a lease record, which shall be open for inspection at all reasonable times by the city manager. Before June 1 of each year, the mobile home park operator shall report to the city manager the names and addresses of all persons having mobile homes on his land.

(Ord. of 2-23-1970, §§ 4, 5, 7; Code 1981, § 12-4)

Sec. 66-6. - Anchoring and skirting.

Within 30 days after occupancy of all mobile homes, the mobile homes shall be firmly anchored to the ground and the open space beneath the unit shall be skirted with approved material in accordance with the requirements of the building inspector.

(Ord. of 9-13-1976; Code 1981, § 12-5)

Sec. 66-7. - Use of city utilities.

The owner or occupant of any mobile home shall not be entitled to receive city utilities until the license fee required in this chapter is paid in full, and city personnel shall refuse to provide sewage, water and electricity to the mobile home until satisfactory proof is furnished that such license fee has been paid.

(Ord. of 7-28-1975; Code 1981, § 12-6)

Sec. 66-8. - Exemptions.

This chapter shall not apply to:

(1) Dealers. Unoccupied mobile homes located on a dealer's display lot; or

(2) State license tag. Mobile homes bearing a current license tag of this state.

(Ord. of 2-23-1970, § 8; Code 1981, § 12-7)

Section 1. - One-family residence zones [(R-20, R-15, R-10, R-8 and R-7)].

(R-20, R-15, R-10, R-8, R-7.) (See also article 5, Supplementary Regulations; and article 6, Off-Street Parking, Driveways and Loading Facilities.)

1.1 Uses permitted. In a one-family residence R-20, R-15, R-10, R-8 and R-7 zones, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

1.11 The raising of field and garden crops, vineyards and orchard farming, the maintenance of nurseries, and the seasonal sale of the products thereof, provided no building is erected and signs conform with article 5, section 4.

1.12 One-family detached dwellings, not to exceed one such dwelling per lot.

1.13 Public buildings, structures and uses, including parks and playgrounds, subject to approval of site plans by the planning commission in accordance with article 10, section 2.

1.14 The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in section 10.1 and to any specified requirements set forth below:

(a) Places of worship, including parish houses; [and] schools, including nursery schools, kindergartens and day care centers in accordance with article 5, Supplementary Regulations, section 14. Day care facilities; philanthropic and eleemosynary institutions; hospitals and sanitariums for general medical care; and funeral homes subject to the following requirements:

i. Any school permitted under this paragraph [subsection 1.14(a)] shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively as such thereunder.

ii. Any school permitted under this paragraph [subsection 1.14(a)], other than a kindergarten, nursery school, or day care center, shall occupy a lot with an area of not less than two acres, plus one acre for each 100 pupils for which the building is designed.

iii. Any kindergarten or nursery school permitted under this paragraph [subsection 1.14(a)] shall be limited to a maximum of 50 children in zones R-8 thru R-20 and a maximum of 100 children in all other zones. At least 100 square feet of outdoor play space per child shall be provided. Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land unsuited by other usage or natural features for children's active play space. Fencing or other enclosures shall be a minimum height of four feet. The minimum lot area for each ten, or remainder over the multiple of ten, children shall be the same as the minimum lot area requirement for each dwelling unit in the districts in which such uses are to be located.

iv. No such building or part thereof shall be erected with less than a 50-foot front yard or nearer than 25 feet from any other street or property line.

v. The sum of all areas covered by all principal and accessory buildings shall not exceed 20 percent of the area of the lot.

vi. Courts shall conform to the requirements of article 5, section 3 hereof.

(b) Railroad and public utility rights-of-way and structures necessary to serve areas within the city, subject to such conditions as the planning commission may impose in order to protect and promote the health and safety and general welfare of the community

and the character of the neighborhood in which the proposed structure is to be constructed.

(c) Country clubs or other annual membership clubs, catering exclusively to members and their guests, and accessory private playgrounds, golf courses, swimming pools, tennis courts and recreation buildings not conducted as business enterprises, provided that the following operations shall be prohibited:

i. Outdoor entertainment, live or mechanical;

ii. The use of outdoor public address systems for any purpose; and

iii. Exterior lighting producing glare at the lot line other than that essential for the safety of the users of the premises.

No building erected under the provisions of this paragraph [subsection 1.14(c)] shall be so erected nearer than 50 feet to any street or property line.

1.15 Accessory uses, limited to the following:

(a) Professional office or studio of an artist, dentist, musician, teacher, or physician, but not including veterinarians, provided that:

i. Such office or studio is incidental to the residential use of the premises and is carried on by a resident thereon with not more than one nonresident assistant; and

ii. Such office or studio shall occupy not more than 30 percent of the area of one floor of the main building.

iii. Studios where dancing or music instruction is offered to groups in excess of four pupils at one time or where concerts or recitals are held are prohibited.

iv. Medical centers, barbershops, beauty parlors, real estate offices, funeral homes or similar uses shall not be considered permitted accessory uses.

(b) Garden house, tool house, playhouse, greenhouse or pool incidental to the residential use of the premises and not operated for gain.

(c) Private garage, provided that, in the case of a one-family dwelling, such garage shall have a capacity of not more than three passenger automobiles. One such space may be leased to a person not [a] resident on the premises.

(d) Keeping domestic animals (except pigs) for individual domestic purposes or as pets, provided not more than three dogs over six months old and not more than 25 fowl shall be permitted, and no animals (except dogs) or fowl shall be penned or housed within 20 feet of any lot line.

(e) (Reserved.)

(f) Dormitories accessory to schools, provided that such dormitories conform to the bulk regulations of the RG-1 zone. For purposes of computing bulk requirements, each four rooms shall be considered one dwelling unit. Parking shall be calculated as identified in Article 6—Off-Street Parking, Section 3—Required off-street parking spaces, Paragraph 3.1—Schedule of requirements.

(g) Customary home occupations, provided that:

i. No display of products, goods and/or signs shall be visible from the street.

ii. Such home occupation shall be incidental and secondary to the residential use of the premises and shall be conducted in the principal building by the resident or residents that reside therein.

iii. Nonresident assistants or co-workers shall be prohibited.

iv. Such home occupation shall not occupy more than 30 percent of the area of one floor in the principal building.

v. There shall be no exterior effect such as noise, traffic, odor, dust, smoke, gas, fumes, radiation, or electromagnetic interference.

1.16 [1.2] Site development plan approval. Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

1.17 [1.3] Performance standards. All uses are subject to performance standards as set forth in article 5, section 8.1.

1.18 [1.4] [Closed zone.] Zone R-7 is a closed zone in accordance with article 10, section 5.19.

1.19 [1.5] [Signs.] Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

(Ord. of 1-8-1979; Ord. of 5-14-1990; Ord. of 12-14-1992(2); Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. No. 2009-12, 9-14-2009; Ord. No. 2011-21, 10-10-2011)

ARTICLE 12. - DEFINITIONS *[Note: only definitions relevant to one-family dwellings and mobile homes are included]*

Unless otherwise expressly stated, the following terms shall, for the purpose of this ordinance, have the following meanings. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "person" includes a corporation, association or partnership, as well as an individual. The word "lot" includes the word "plot." The term "occupied" or "used," as applied to any building, shall be construed as though followed by the words "or intended, arranged or designed to be occupied or used":

Dwelling, detached: A dwelling having no walls in common with other dwellings or with nonresidential uses.

Dwelling, one-family: A dwelling unit designed and intended for use by only one family.

Dwelling unit: A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit. A boarding[house] or roominghouse, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging, nursing, or other similar home, house trailer, or other similar structures or vehicles shall not be deemed to constitute a dwelling unit.

Mobile home: A single-family dwelling designed for transportation, after fabrication, on streets, and highways on its own wheels or on flatbed or other trailers, and arriving at a site in a mobile home park where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connections to utilities, and the like; excluding, however, the single-family dwelling which is designed to be readily moveable after the original occupancy as a single-family dwelling, and conforms to the building code, plumbing code, electrical code and housing code of the City of Dover. Single-wide mobile homes are those units built as a complete home measuring up to 14 feet in width and finished on all exterior sides prior to transportation to a site for installation. Double-wide mobile homes are those units built in two halves intended to be assembled together on the site at the time of installation, each half measuring up to 14 feet in width and each finished on three exterior sides.

(Ord. of 7-23-1979; Ord. of 3-24-1986; Ord. of 6-12-1989; Ord. of 5-14-1990; Ord. of 12-14-1992(2); Ord. of 7-12-1993, §§ 5, 12—14; Ord. of 7-26-1993; Ord. of 4-25-1994; Ord. of 9-13-1999; Ord. of 5-22-2000; Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. of 1-13-2003; Ord. of 4-23-2007(5); Ord. No. 2010-25, 11-8-2010; Ord. No. 2011-01, 4-11-2011; Ord. No. 2014-08, 7-14-2014)


Approximately 1,000 feet
P&I #2 Exhibit Map
V-16-15 823 East Loockerman Appeal
Distance Between Appellant and Subject Property
N
0 37.5 75 150 225 300 Feet
Division
Halsey
Loockerman
Upland
Greenhill
Edgehill
John Hunn Brown
Esri, HERE, GIS user community, Geographic, User Community

Exhibit—P&I#3



View from E. Loockerman Street



View looking east on E. Loockerman Street