

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: HOME DEPOT USA, INC.

Case No. 10886 – 2011

A hearing was held after due notice on October 17, 2011. The Board members present were: Mr. Dale Callaway, Mr. Ronald McCabe, Mr. John Mills, Mr. Brent Workman, and Mr. Jeff Hudson.

Nature of the Proceedings

This is an application for a variance from the minimum number of parking spaces requirement.

Finding of Facts

The Board found that the Applicant was seeking a variance from the minimum number of parking spaces west of Route 1 (Coastal Highway), approximately 368' south of Road 276 (Shady Road). The Applicant was requesting a reduction of 58 parking spaces from the minimum requirement. After a hearing, the Board made the following findings of fact:

1. The Applicant is Home Depot USA, Inc. Its existing store along Highway 1 was approved with a requirement for 907 parking spaces.
2. The Applicant wishes to subdivide a small portion (approximately 6,000 sq. ft.) along Route 1, to house an auto parts retail store. That store will require 47 spaces, which would be included in the new parcel. It would, therefore, reduce Home Depot to 881 parking spaces.
3. The parking lot of Home Depot has never been filled, and is unlikely that 800 spaces will ever be required.
4. The existing traffic pattern will not be disturbed.
5. The Board determined that the Application met the standards for granting a variance. The difficulty was created by an Ordinance which requires far more parking spaces than were ever necessary. The variances will not alter the character of the neighborhood, both the new store and Home Depot will still have sufficient parking, and the variance is the minimum necessary to allow for the subdivision and a continuation of both businesses.
6. No persons appeared in opposition.

The Board granted the requested variance.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board members voting in favor were: Mr. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman, and Mr. Hudson; voting against – none.

**BOARD OF ADJUSTMENT
OF SUSSEX COUNTY**


Dale Callaway
Chairman

If the use is not established within one (1) year from the date below the application becomes void.

Date December 14, 2011.