

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: EAST COAST DEFENSE, LLC (Case No. 11031)

A hearing was held after due notice on August 20, 2012. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to operate a rifle / pistol range for shooting not to exceed a period of five (5) years.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to operate a rifle / pistol range for shooting on certain real property located northeast of Route 474 (Dukes Lumber Road) approximately 981 feet northwest of Route 475 (Sycamore Road); said property being identified as Sussex County Tax Map Parcel Number 2-32-8.00-5.04. After a hearing, the Board made the following findings of fact:

1. Evan Rogers, Barry Dukes, II, and Barry Dukes were sworn in and present to testify about the Application.
2. The Board found that Mr. Rogers testified that the proposed shooting range will be located on a thirteen (13) acre parcel.
3. The Board found that Mr. Rogers testified that the Applicant intends to construct an earthen berm approximately twelve (12) feet tall that will be modeled after National Rifle Association (NRA) guidelines.
4. The Board found that Mr. Rogers testified that the berm will be located a considerable distance from neighboring properties.
5. The Board found that Mr. Rogers testified that the shooting range will have no adverse effect on neighbors.
6. The Board found that Mr. Rogers testified that the Applicant intends to conduct classes on pistol instruction on the Property.
7. The Board found that Mr. Rogers testified that the students will practice by shooting into the berm under the supervision of Mr. Rogers and Mr. Dukes II.
8. The Board found that Mr. Rogers testified that he is a law enforcement officer for the Town of Millsboro.
9. The Board found that Mr. Rogers testified that the instructors are applying for certification by the NRA.
10. The Board found that Mr. Rogers testified that rifles and shotguns will not be used at the shooting range.
11. The Board found that Mr. Dukes II testified that the Property is largely wooded and that neighboring properties are wooded as well.
12. The Board found that Mr. Dukes II testified that his father Barry Dukes lives nearby.
13. The Board found that Mr. Dukes II testified that the proposed berm will measure 12' x 15' in size.
14. The Board found that Mr. Dukes II testified that there are no structures on the Property.
15. The Board found that Mr. Dukes II testified that the Applicant plans to hold private classes to instruct students on how to shoot pistols.
16. The Board found that Mr. Dukes II testified that the students will shoot into the berm from a seated position approximately fifteen (15) feet from the berm.
17. The Board found that Mr. Dukes II testified that there will be a maximum of four (4) people shooting at a time.

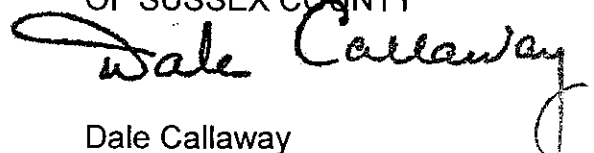
18. The Board found that Mr. Dukes II testified that the classes will have a maximum of twelve (12) students and will be held one Saturday a month from 8:00 a.m. to 4:00 p.m.
19. The Board found that Mr. Dukes II testified that the closest dwelling is over 1,000-feet from the berm site.
20. The Board found that Mr. Dukes II testified that there will be no competitions held at the site.
21. The Board found that Mr. Dukes II testified that there is adequate parking and the students will be shuttled to the site.
22. The Board found that Mr. Dukes II testified that the road used to access the site is not for public access.
23. The Board found that Mr. Dukes II testified that there is approximately 400 feet of wooded property behind the berm site.
24. The Board found that the Applicant presented a survey of the Property and neighboring areas to the Board.
25. The Board found that a neighbor submitted a letter with concerns about the Application to the Sussex County Planning & Zoning Office.
26. The Board found that Mr. Dukes II testified that he also received the letter from the neighbor and spoke with the neighbor to address his concerns.
27. The Board found that no one appeared in opposition to or in support of the Application.
28. Based on the findings above and the testimony presented at the public hearing, the Board determined that the application met the standards for granting a special use exception because the use does not substantially affect adversely the uses of adjacent or neighboring properties. The Board approved the Application on the condition that classes at the firing range will only be held on one (1) Saturday per month from 8:00 a.m. to 4:00 p.m. The special use exception is valid for a period of five (5) years.

The Board granted the special use exception application subject to the conditions set forth herein finding that the Application met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Application.

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 September 11, 2012