

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: LEWES AUTO MALL, LLC (Case No. 11048)

A hearing was held after due notice on September 24, 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 variance from the landscape buffer required in a Highway Corridor Overlay Zoning District.

Findings of Fact

The Board found that the Applicant was seeking a variance for an additional ground sign and a variance from the landscape buffer requirement for a Highway Corridor Overlay Zoning District. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located east of Route 1 (Coastal Highway) south of Marsh Road; said property being identified as Sussex County Tax Map Parcel Number 3-34-6.00-33.00. After a hearing, the Board made the following findings of fact:

1. Ring Lardner, an engineer with Davis, Bowen, & Friedel, was sworn in and testified on behalf of the Applicant.
2. The Board found that Mr. Lardner testified that the Applicant is requesting a variance from the planting requirement in the landscape buffer.
3. The Board found that Mr. Lardner testified that the Applicant purchased the Property in 2008 and that the structures on the Property have existed since 1984.
4. The Board found that Mr. Lardner testified that the Applicant plans to combine all buildings into one building.
5. The Board found that Mr. Lardner testified that the required plantings will have a detrimental effect to the Applicant as the required plantings will obstruct the view of the inventory on the sales lot.
6. The Board found that Mr. Lardner testified that there are no landscape buffers on surrounding properties.
7. The Board found that Mr. Lardner testified that there is currently a grassy landscape buffer.
8. The Board found that Mr. Lardner testified that the Applicant will maintain a twenty (20) foot landscape buffer of grass.
9. The Board found that Mr. Lardner testified that the variance, if granted, will not alter the essential character of the neighborhood.
10. The Board found that Mr. Lardner testified that the variance requested is the minimum variance to afford relief.
11. The Board found that Mr. Lardner submitted pictures of the Property and surrounding properties.
12. The Board found that no parties appeared in opposition to or in support of the Application.
13. The Board tabled its decision on this matter until its meeting on October 1, 2012.
14. After discussing the matter on October 1, 2012, the Board voted on the Application.
15. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The use of the Property creates a uniqueness. The variance is necessary to enable reasonable use of the Property. The variance is not detrimental to the public welfare. The difficulty was not created by

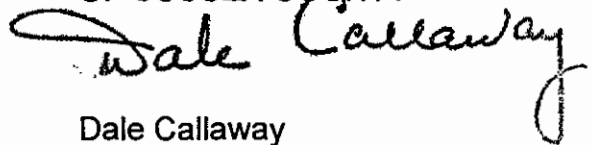
the Applicant. The variance will not alter the essential character of the neighborhood. The variance sought is the minimum variance to afford relief.

The Board approved the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the Application was approved. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Norman Rickard. No Member voted against the Motion to Approve 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 November 7, 2012.