

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: WASTE INDUSTRIES (Case No. 11093)

A hearing was held after due notice on November 19, 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 place a manufactured home type structure to use as a construction trailer office for a period of five (5) years.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to place a manufactured home type structure to use as a construction trailer office for a period of five (5) years. The Applicant has requested that the aforementioned requested special use exception be granted as it pertains to certain real property located south of Route 24 (John J. Williams Highway) approximately 600 feet west of Route 309; said property being identified as Sussex County Tax Map Parcel Number 2-34-33.00-10.03. After a hearing, the Board made the following findings of fact:

1. Seth Heath was sworn in and testified on behalf of the Application.
2. The Board found that Mr. Heath testified that he is the General Manager of Waste Industries.
3. The Board found that Mr. Heath testified that the request for five (5) years matches the Applicant's current lease to use the Property.
4. The Board found that Mr. Heath testified that the unit is already on the Property.
5. The Board found that Mr. Heath testified that the unit was placed on the Property approximately one (1) month ago.
6. The Board found that Mr. Heath testified that the Property was approved in 2007 for a special use exception and the Applicant was not aware that the approval had expired until after placement of the unit.
7. The Board found that Mr. Heath testified that the landlord advised the Applicant that the Property was approved for this use.
8. The Board found that Mr. Heath testified that the Applicant is aware that the request is limited in duration and that an additional approval will be necessary in order to keep the unit on the Property at the end of five (5) years.
9. The Board found that Mr. Heath testified that there will be landscaping around the unit.
10. The Board found that Mr. Heath testified that the Property is near the Mountaire plant and the Paradee Gas Company and that the Applicant shares an access road with the Paradee Gas Company.
11. The Board found that Mr. Heath testified that the Property is also adjacent to a wooded area.
12. The Board found that Mr. Heath testified that the hours of operation are from 5:00 a.m. to 4:00 p.m.
13. The Board found that Mr. Heath testified that the trucks run seven (7) days a week in the summer and five (5) to six (6) days a week during the other seasons.
14. The Board found that Mr. Heath testified that there is no residential property nearby.
15. The Board found that Mr. Heath testified that the Applicant plans to relocate to a larger property at the end of the lease term and that the Applicant will remove the unit once it is no longer needed.
16. The Board found that Mr. Heath testified that twenty five (25) trucks use the site.

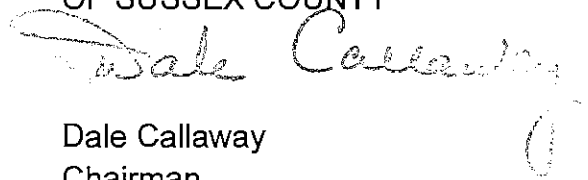
17. The Board found that no parties appeared in support of or in opposition to the Application.
18. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a special use exception and approved the proposed use for a period of five (5) years. The proposed use does not substantially affect adversely the uses of the adjacent and neighboring properties.

The Board approved the special use exception application for a period of five (5) years finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the Application was approved for a period of five (5) years. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. 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 December 11, 2012