

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CHESTER TOWNSEND (Case No. 11125)

A hearing was held after due notice on December 17, 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 use a manufactured home type structure as a concession trailer and for a variance from the side yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to use a manufactured home type structure as a concession trailer and for a variance of 1.2 feet from the 5 feet side yard setback requirement for a shed on certain real property located north of Route 26 (Vines Creek Road) 0.2 miles northeast of Road 342 (Sandy Landing); said property being identified as Sussex County Tax Map Parcel Number 1-34-11.00-3.00. After a hearing, the Board made the following findings of fact:

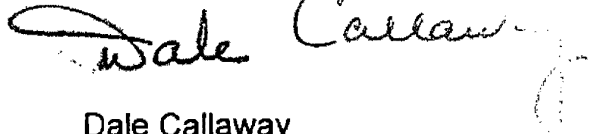
1. Shirley Townsend was sworn in to testify on behalf of the Application.
2. The Board found that Ms. Townsend testified that she operates a small carryout business in Dagsboro.
3. The Board found that Ms. Townsend testified that she has owned the concession trailer for four (4) years.
4. The Board found that Ms. Townsend testified that she purchased the Property and plans to operate her carryout business on site.
5. The Board found that Ms. Townsend testified that the shed has been on the Property for thirty (30) years and it cannot be moved because it is concrete.
6. The Board found that Ms. Townsend testified that she did not place the shed on the Property.
7. The Board found that Ms. Townsend testified that the trailer on the Property was new in 2009.
8. The Board found that Ms. Townsend testified that she plans to only have one ground sign on the Property.
9. The Board found that no parties appeared in support of or in opposition to the Application.
10. 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 uses do not substantially affect adversely the uses of adjacent or neighboring properties.
11. 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 variance. The Property is unique in size and shape. The variance is necessary to enable reasonable use of the Property. The variance will not alter the essential character of the neighborhood. The difficulty was not created by the Applicant because the shed was present when the Applicant purchased the Property. The variance sought is the minimum variance necessary to afford relief.

The Board granted the special use exception and the variance application finding that it met the standards for granting a special use exception and a variance.

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 January 29, 2013