

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ALPUN, LLC

(Case No. 11178)

A hearing was held after due notice on April 1, 2013. 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 for promotional activities as accessory uses to a speedway for a period of five (5) years.

Findings of Fact

The Board found that the Applicant was seeking a special use exception for promotional activities as accessory uses to a speedway for a period of five (5) years. This application pertains to certain real property located southeast intersection of U.S. Route 113 (DuPont Boulevard) and Road 321 (Woodbranch Road) southwest intersection of Road 325 (Alm's House Road) and Road 326 (Bethesda Road); said property being identified as Sussex County Tax Map Parcel Number 1-33-2.00-22.00, 23.00, 24.00, & 24.01. After a hearing, the Board made the following findings of fact:

1. Lewis Johnson was sworn in to testify on behalf of the Application.
2. James Fuqua, Esquire, presented the Application on behalf of the Applicant.
3. The Board found that Mr. Fuqua stated that the Applicant is requesting a special use exception for promotional activities for a period of five (5) years.
4. The Board found that Mr. Fuqua stated that the Georgetown Speedway was built in 1949 and is located next to Route 113.
5. The Board found that Mr. Fuqua stated that the Property is used for racing in the spring and summer months.
6. The Board found that Mr. Fuqua stated that, other than auto racing, the Property is used for non-profit community events such as tractor shows, rodeos, and carnivals.
7. The Board found that Mr. Fuqua stated that these community events are sporadic in nature.
8. The Board found that Mr. Fuqua stated that this use was granted approval of a special use exception in 1989 and again in 2003.
9. The Board found that Mr. Fuqua stated that the current owner was not aware the approval had expired.
10. The Board found that Mr. Fuqua stated that the Applicant applied in February 2013 for a new application as required.
11. The Board found that Mr. Fuqua stated that the approved use for the Property is auto racing and that the proposed special use exception would allow for a lesser use of the Property as well.
12. The Board found that Mr. Fuqua stated that the use will not substantially adversely affect the adjacent properties.
13. The Board found that Mr. Fuqua submitted exhibits for the Board to review.
14. The Board found that Mr. Johnson, under oath, confirmed the statements made by Mr. Fuqua.
15. The Board found that four (4) parties appeared in support of the Application.
16. The Board found that no parties appeared in opposition to the Application.
17. 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 granted 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 special use exception application was granted for a period of five (5) years. 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 Motion to approve the special use exception 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 May 7, 2013.