

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SS-LS-DE, LC d/b/a SS-LS-DE,LLC

(Case No. 11226)

A hearing was held after due notice on July 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 to retain a manufactured home type structure for security purposes for a period of five (5) years.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to retain a manufactured home type structure for security purposes for a period of five (5) years. The Applicants have requested that the aforementioned requested special use exception be granted as it pertains to certain real property located southeast of Route 468 (Discount Land Road) approximately 175 feet northeast of Route 13 (Sussex Highway); said property being identified as Sussex County Tax Map Parcel Number (2-32-12.00-63.01). After a hearing, the Board made the following findings of fact:

1. Gary Trappen was sworn in to testify on behalf of the Applicant.
2. David Hutt, Esquire, presented the case to the Board on behalf of the Applicant.
3. The Board found that Mr. Hutt stated that the Applicant is requesting a special use exception to retain a manufactured home type structure for security purposes for a period of five (5) years.
4. The Board found that Mr. Hutt stated that the unit is needed for security for the Laurel Storage Center which is a mini-storage facility.
5. The Board found that Mr. Hutt stated that the unit has been on the Property since 1992 and that the Board approved the use in 1992.
6. The Board found that Mr. Hutt stated that the special use exception was not applied for again until 2008 when the Property was sold and that the Board approved the special use exception at that time.
7. The Board found that Mr. Hutt stated that the current owners purchased the Property in 2012.
8. The Board found that Mr. Hutt stated that the Applicant received a letter from the Planning and Zoning Department advising Applicant to re-apply for the special use exception.
9. The Board found that Mr. Hutt stated that the Application was filed prior to the expiration of the special use exception.
10. The Board found that Mr. Hutt stated that the Property is Zoned C-1 (Commercial) and that the surrounding properties are commercially zoned and / or within the Town of Laurel jurisdiction.
11. The Board found that Mr. Hutt stated that there have been break-ins at the facility and that the security is needed to prevent theft.
12. The Board found that Mr. Hutt stated that the use does not substantially adversely affect the adjacent properties and that neighboring properties have developed around the storage center.
13. The Board found that Mr. Hutt stated that the Applicant has not received any complaints about the use.
14. The Board found that Mr. Trappen, under oath, confirmed the statements made by Mr. Hutt.

15. The Board found that Mr. Trappen testified that the unit is over twenty (20) years old, but has a new roof and has been painted and that the security employee lives on the site
16. The Board found that no parties appeared in support of or in opposition to the Application.
17. 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 because the use would not substantially affect adversely the uses of neighboring and adjacent properties. The Board approved the use for a period of five (5) years.

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 August 7, 2013