

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SCOTT BOATMAN

(Case No. 11244)

A hearing was held after due notice on August 5, 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 as a classroom.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to retain a manufactured home type structure as a classroom. The Applicant has requested that the aforementioned requested special use exception be granted as it pertains to certain real property north of Route 26 approximately 1.04 miles east of Road 382; said property being identified as Sussex County Tax Map Parcel Number 2-33-11.00-95.00. After a hearing, the Board made the following findings of fact:

1. Scott Boatman sworn in to testify on behalf of the Application.
2. The Board found that Mr. Boatman testified that the manufactured home classroom has been on the site for over five (5) years.
3. The Board found that Mr. Boatman testified that he is requesting a renewal to allow the classroom to remain on the site for an additional five (5) years.
4. The Board found that Mr. Boatman testified that the classroom is used for bible study and that the typical hours of the bible study classes are on Sunday from 7:00 a.m. to 5:00 p.m., Wednesday from 12:00 p.m. to 3:00 p.m., and occasionally on Tuesday.
5. The Board found that Mr. Boatman testified that there should be no negative impact on the neighborhood.
6. The Board found that Mr. Boatman testified that he is not aware of any complaints or opposition to this Application.
7. The Board found that Mr. Boatman testified that the request is the same as the original Application for a special use exception that was approved in December 2004.
8. The Board found that Mr. Boatman testified that he was unaware that the use was limited to a five (5) year period.
9. The Board found that Mr. Boatman testified that he purchased the Property three (3) years ago.
10. The Board found that Mr. Boatman testified that, if approved, he will not let this approval expire.
11. The Board found that Mr. Boatman testified that there is adequate area for parking on the site and that the site can accommodate parking for ten (10) vehicles.
12. The Board found that Mr. Boatman testified that there is no change in the use intended.
13. The Board found that Mr. Boatman testified that the front access has been improved with stairs with handrails.
14. The Board found that Mr. Boatman testified that he has cleaned up the site since he purchased it.
15. The Board found that Mr. Boatman testified that the unit is designed as a classroom and not for residential occupancy.

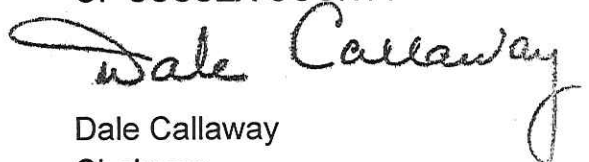
16. The Board found that there were no parties present in support of or in opposition to this Application.
17. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a special use exception because the use would not substantially affect adversely the uses of neighboring and adjacent properties. The structure has been used since 2004 without complaints and no one appeared at the hearing to oppose the Application. The Board granted the approval 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.

A placement permit must be obtained before
The manufactured home is placed on the property.

Date September 10, 2013.