

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: WILLIAM DRAINE**

**(Case No. 11254)**

A hearing was held after due notice on August 19, 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 and operate a driving range for a period of five (5) years.

**Findings of Fact**

The Board found that the Applicant was seeking a special use exception to retain and operate a driving range for a period of five (5) years. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property north of Route 297 (Mount Joy Road) 1,400 feet east of Road 305 (Hollyville Road); said property being identified as Sussex County Tax Map Parcel Number 2-34-21.00-47.00 & 47.02. After a hearing, the Board made the following findings of fact:

1. William Draine was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Draine submitted an exhibit for the Board to review.
3. The Board found that Mr. Draine testified that the Property was approved for a special use exception in 2008 and he seeks to renew this approval for another five (5) years.
4. The Board found that Mr. Draine testified that he has operated the business since 2005.
5. The Board found that Mr. Draine testified that he gives private golf lessons and practice time for his students.
6. The Board found that Mr. Draine testified that the course is not open to the public.
7. The Board found that Mr. Draine testified that the course is not used at night and has no lighting.
8. The Board found that Mr. Draine testified that there are no noise problems associated with this use.
9. The Board found that Mr. Draine testified that he maintains the landscaping.
10. The Board found that Mr. Draine testified that he does not allow any negative behavior on the Property.
11. The Board found that Mr. Draine testified that the Property is large enough to keep golf balls from entering neighboring properties.
12. The Board found that Mr. Draine testified that there is adequate parking available for the students.
13. The Board found that Mr. Draine testified that he has approximately sixty (60) students and will have no more than four (4) students on the course at a time.
14. The Board found that Mr. Draine testified that use of the course is permitted by appointment only and that he has no intention of increasing or expanding the business.
15. The Board found that Mr. Draine testified that his neighbors have no objection to the Application.
16. The Board found that Mr. Draine testified that the use has not nor will it substantially adversely affect the uses of adjacent and neighboring properties.
17. The Board found that Mr. Draine testified that neighboring property is owned by Sussex County for future Inland Bay wastewater project development.

18. The Board found that Mr. Draine testified that he lives next door to the Property.
19. The Board found that Ronald Samms was sworn in and testified in support of the Application.
20. The Board found that one (1) party appeared in support of the Application.
21. The Board found that no parties appeared in opposition to the Application.
22. The Board found that the Office of Planning & Zoning received two (2) letters of support to the Application.
23. 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 does not substantially affect adversely the uses of the adjacent and neighboring properties. The special use exception was granted for a period of five (5) years with the condition that the use be consistent with its prior use and does not expand.

The Board approved the special use exception application for a period of five (5) years with conditions 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 with conditions. 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 October 8, 2013.