

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

**IN RE: LEWES AUTO MALL**

**(Case No. 11263)**

A hearing was held after due notice on September 9, 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 place manufactured home type structures for temporary business and commercial use and a variance from the front yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to place four (4) manufactured home type structures for temporary sales offices, service and body shop offices and construction offices and a variance of ten (10) feet from the sixty (60) feet front yard setback requirement for a temporary body shop (manufactured home). The Applicant has requested that the aforementioned requested special use exception and variance be granted as they pertain to certain real property north of Coastal Highway (Route One) southeast of Marsh Road (Road 269B) and southwest of Wescoats Road (Route 12); said property being identified as Sussex County Tax Map Parcel Number 3-34-6.00-32.00 & 33.00. After a hearing, the Board made the following findings of fact:

1. James Sekler was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Sekler testified that the Applicant is renovating its used car building, its body shop, and its sales building and needed to use four (4) structures to operate its automobile sales business during the construction.
3. The Board found that Mr. Sekler testified that the four (4) structures would be used for construction administration, used car sales, new car sales, and the body shop during the construction period.
4. The Board found that Mr. Sekler testified that the body shop building will be located along Wescoats Road.
5. The Board found that Mr. Sekler testified that the Applicant plans to have the body shop building placed on the grass so that its location will not disturb the renovation efforts.
6. The Board found that Mr. Sekler testified that the Applicant intends to use the buildings for approximately one (1) year but that he would ask the Board for a two (2) year approval in case there is a delay.
7. The Board found that Mr. Sekler testified that the proposed manufactured homes are needed to operate the business while under renovation.
8. The Board found that Mr. Sekler testified that there will be no adverse effect to the surrounding properties.
9. The Board found that Mr. Sekler testified that the units will be removed once construction is complete.
10. The Board found that Mr. Sekler testified that the variance is necessary to enable reasonable use of the Property.
11. The Board found that Mr. Sekler testified that there are utilities on the Property which prevent the unit to be used for the body shop from complying with the setback requirement.
12. The Board found that Mr. Sekler testified that the parking lot will be overlaid.
13. The Board found that Mr. Sekler testified that the Property is unique.

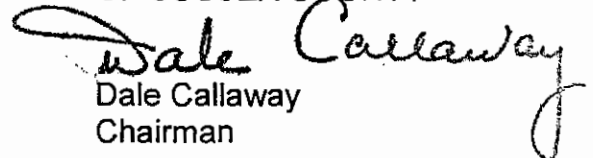
14. The Board found that Mr. Sekler testified that a practical difficulty will exist if they have to move the mobile home to be used for the body shop into the construction area.
15. The Board found that Mr. Sekler testified that the existing building #3 will be renovated and an addition will be made.
16. The Board found that Mr. Sekler testified that General Motors is requiring the Applicant to renovate the site.
17. The Board found that Mr. Sekler testified that the variance will not alter the essential character of the neighborhood.
18. The Board found that Mr. Sekler testified that the variance requested is the minimum variance to afford relief.
19. The Board found that Mr. Sekler testified that one (1) unit is strictly for a construction office.
20. The Board found that Lawrence Lank, Director of Planning & Zoning, stated that a special use exception is not required for contractor construction trailers.
21. The Board found that there were no parties present in support of or in opposition to this Application.
22. 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 and a variance. The proposed use does not substantially affect adversely the uses of neighboring and adjacent property owners. The temporary need for the structures for construction purposes creates a unique situation. The difficulty was not created by the Applicant. The variance will not alter the essential character of the neighborhood. The variance sought is the minimum variance necessary to afford relief.
23. The Board approved the Application for a period of two (2) years for three (3) manufactured home type structures for temporary business and commercial use and variance. No special use exception was necessary for the construction trailer.

The Board approved the special use exception and variance application for a period of two (2) years 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 approved for a period of two (2) 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 October 22, 2013