

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: STOCKLEY MATERIALS, LLC

(Case No. 11276)

A hearing was held after due notice on October 21, 2013. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to place a manufactured home type structure for business, commercial, or industrial use.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to place a manufactured home type structure for business, commercial, or industrial use. The Applicant has requested that the aforementioned requested special use exception be granted as it pertains to certain real property north of Route 9 (Lewes Georgetown Highway) and west of Nassau Commons Road 3,700 feet southwest of Route One at Five Points; said property being identified as Sussex County Tax Map Parcel Number 3-34-5.00-152.06. After a hearing, the Board made the following findings of fact:

1. Mark Davidson and Ken Adams were sworn in to testify on behalf of the Application.
2. Dennis Schrader, Esquire, presented the Application to the Board.
3. The Board found that the Office of Planning & Zoning received fifty six (56) letters in support of the Application.
4. The Board found that Mr. Schrader stated that Mr. Adams is a principal of Stockley Materials, LLC and that the Applicant is requesting a special use exception to retain an existing manufactured home type structure for an existing business.
5. The Board found that Mr. Schrader stated that a special use exception was previously granted for the unit in 2008 and expired in July 2013.
6. The Board found that Mr. Schrader stated that there are two (2) manufactured home type structures that have been remodeled and have the appearance of a Colonial style home.
7. The Board found that Mr. Schrader stated that the Applicant has landscaped the site to improve its attractiveness.
8. The Board found that Mr. Schrader stated that the nearby area is mixed use commercial and residential in nature.
9. The Board found that Mr. Schrader stated that a vineyard is located nearby.
10. The Board found that Mr. Schrader stated that the sales entrance is located near the entrance of Nassau Commons and that the entrance to the Property is not located on Route 9 (Lewes Georgetown Highway).
11. The Board found that Mr. Schrader stated that the Applicant leases the Property.
12. The Board found that Mr. Schrader stated that the Applicant sells landscaping material.
13. The Board found that Mr. Schrader stated that the Property is zoned C-1 Commercial.
14. The Board found that Mr. Adams, under oath, confirmed the statements made by Mr. Schrader.
15. The Board found that Mr. Adams testified that the use does not substantially adversely affect the surrounding properties and that neighboring properties are also commercial properties.

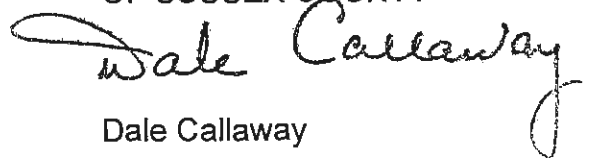
16. The Board found that no parties appeared in support of or in opposition to the Application.
17. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a special use exception because the use does not substantially affect adversely the uses of neighboring and adjacent properties. The Property has been used for the Applicant's business for the past five (5) years. The special use exception was granted 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, 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 December 10, 2013