

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: BRYTON HOMES

(Case No. 11315)

A hearing was held after due notice on January 6, 2014. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Norman Rickard.

Nature of the Proceedings

This is an application for a special use exception for temporary offsite parking.

Findings of Fact

The Board found that the Applicant was seeking a special use for temporary offsite parking. This application pertains to certain real property located east of Route 5 (Harbeson Road) and being located at the northwest corner of Meadow Creek Drive and Riverwalk Drive, being Lot 1 Phase 3 of Beaver Creek Subdivision; said property being identified as Sussex County Tax Map Parcel Number 2-35-30.00-498.00. After a hearing, the Board made the following findings of fact:

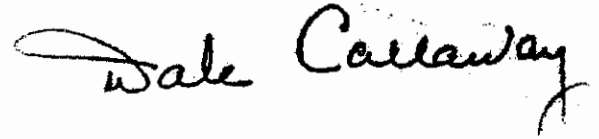
1. Dan Smith was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Smith testified that the temporary parking lot will consist of approximately seven (7) parking spaces.
3. The Board found that Mr. Smith testified that the parking will service the customers visiting the model home.
4. The Board found that Mr. Smith testified that the parking lot will keep parked cars off the street in the development.
5. The Board found that Mr. Smith testified that the Applicant has approximately 115 lots left to sell in the development.
6. The Board found that Mr. Smith testified that the parking lot will not be needed once the lots and model home are sold.
7. The Board found that Mr. Smith testified that the use will not substantially adversely affect the surrounding and adjacent properties.
8. The Board found that Mr. Smith testified that he hopes to sell all of the lots within five (5) years and that the Applicant is aware that it will need to apply for an extension if the Applicant still needs the parking lot after the five (5) year period expires.
9. The Board found that no parties appeared in support of or in opposition to the Application.
10. Based on the findings above and the testimony presented at the public hearing, 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 adjacent or neighboring properties.

The Board granted 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 special use exception application was granted for a period of five (5) years. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Norman Rickard. No Board Members voted against the Motion to approve the special use exception application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY

A handwritten signature in cursive script that reads "Dale Callaway".

Dale Callaway
Chairman

If the use is not established within one (1)
year from the date below the application
becomes void.

Date February 18, 2014.