

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

**IN RE: SERVICE GLASS CO. INC.**

**(Case No. 11346)**

A hearing was held after due notice on March 24, 2014. 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 for a business.

Findings of Fact

The Board found that the Applicant was seeking a special use exception for a manufactured home type structure for a business. This application pertains to certain real property located southwest corner of Delaware Route 20 (Stein Highway) and Sussex County Road 556 (Figgs Road) and being west of Seaford, Delaware; said property being identified as Sussex County Tax Map Parcel Number 5-31-12.00-43.00. After a hearing, the Board made the following findings of fact:

1. Michelle Booth was sworn in to testify about the Application and James Fuqua, Esquire, appeared on behalf of the Applicant.
2. The Board found that the Office of Planning & Zoning received one letter in support of the Application.
3. The Board found that Mr. Fuqua submitted exhibits to the Board regarding the Application.
4. The Board found that Mr. Fuqua stated that the Property is located west of Seaford and that the business has operated at this site for twenty-five (25) years.
5. The Board found that Mr. Fuqua stated that the unit was placed on the lot in 2006 due to flooding issues and on an emergency basis and that the flood actually flooded the large commercial building.
6. The Board found that Mr. Fuqua stated that the Board approved a special use exception in 2009 for the same unit.
7. The Board found that Mr. Fuqua stated that the approval expired March 4, 2014 and that the Application was submitted prior to the expiration of the previous approval.
8. The Board found that Mr. Fuqua stated that the Applicant leases the Property and is not able to construct a permanent structure.
9. The Board found that Mr. Fuqua stated that the Applicant also leases a portion of the existing warehouse on the Property.
10. The Board found that Mr. Fuqua stated that there are other commercial properties in the area including Penco which is a large commercial business.
11. The Board found that Mr. Fuqua stated that the unit was anchored and skirted as stipulated at the 2009 hearing.
12. The Board found that Mr. Fuqua stated that there have been no changes made to the Property or the area since the prior approval.
13. The Board found that Mr. Fuqua stated that the Applicant is a successful business.
14. The Board found that Mr. Fuqua stated that the use does not substantially adversely affect the surrounding and adjacent properties.
15. The Board found that Mr. Fuqua stated that the Applicant seeks a five (5) year renewal of the special use exception.
16. The Board found that Ms. Booth, under oath, confirmed the statements of Mr. Fuqua as being true and correct.
17. The Board found that no parties appeared in support of or in opposition to the Application.

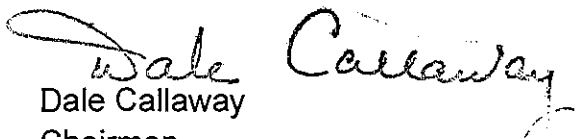
18. Based on the findings above and the testimony presented at the public hearing, the Board determined that the application met the standards for granting a special use exception because the use does not substantially affect adversely the uses of adjacent or neighboring properties. The special use exception was approved for a period of five (5) years. The manufactured-type structure has been on the Property for quite some time and there was no evidence that the structure had any adverse effect on neighboring and adjacent properties.

The Board granted the special use exception application for a period of five (5) years finding that it met the standard for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the special use exception application was approved for a period of five (5) years. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve the special use exception 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 May 6, 2014