

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DONALD J. ERICKSON

(Case No. 11363)

A hearing was held after due notice on April 14, 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 for offsite parking.

Findings of Fact

The Board found that the Applicant was seeking a special use exception for offsite parking. This application pertains to certain real property located northeast corner of the intersection of Road 270A (Munchy Branch Road) and Parsonage Road; said property being identified as Sussex County Tax Map Parcel Number 3-34-13.00-8.04. After a hearing, the Board made the following findings of fact:

1. John Barwick was sworn in to testify about the Application.
2. The Board found that Mr. Barwick testified that the Applicant seeks a special use exception for an overflow parking lot.
3. The Board found that Mr. Barwick testified that the Property was previously granted a special use exception for offsite parking for forty-four (44) spaces in 2010.
4. The Board found that Mr. Barwick testified that the number of spaces on the plan has been reduced.
5. The Board found that Mr. Barwick testified that the Applicant did not construct the parking lot at the time due to a decline in the business economy.
6. The Board found that Mr. Barwick testified that the Applicant obtained approvals from the Delaware Department of Transportation ("DelDOT") and the State Fire Marshal's Office and that those governmental approvals expire this summer.
7. The Board found that Mr. Barwick testified that, at the time of the previous application, the Applicant only owned the nearby furniture store.
8. The Board found that Mr. Barwick testified that the Applicant now owns both parcels.
9. The Board found that Mr. Barwick testified that Fins Ale House has opened and there is a great need for additional parking as patrons are parking on the grass along Parsonage Road.
10. The Board found that Mr. Barwick testified that the Property is a unique shape and is difficult to develop.
11. The Board found that Mr. Barwick testified that the proposed parking lot will have thirty-four (34) parking spaces.
12. The Board found that Mr. Barwick testified that the existing shopping center and furniture store are on two (2) different parcels and that the Applicant plans to create an interconnection between the two (2) parcels.
13. The Board found that Mr. Barwick testified that the onsite parking lot provides seventy-eight (78) spaces.
14. The Board found that Mr. Barwick testified that a crosswalk will be created for pedestrian crossing from the offsite parking lot.
15. The Board found that Mr. Barwick testified that the crosswalk will be lit and additional lighting will be added to the rear of the shopping center.
16. The Board found that Mr. Barwick testified that the employees for Fins Ale House will be using the offsite parking lot.

17. The Board found that Mr. Barwick testified that the parking lot will not have additional lighting.
18. The Board found that Mr. Barwick testified that the proposed pond on the Property is an infiltration pond.
19. The Board found that Mr. Barwick testified that there will be shrubbery planted on site and that the sidewalks will be improved.
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. 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 area is commercial in nature and the parking lot is consistent with the uses nearby.

The Board granted the special use exception application 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. 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.

Date May 20, 2014