

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: FENWICK COMMUNITIES, LLC

(Case No. 11380)

A hearing was held after due notice on April 21, 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 place a manufactured home type structure for a temporary sales office.

Findings of Fact

The Board found that the Applicant was seeking a special use exception for to place a manufactured home type structure for a temporary sales office. This application pertains to certain real property located west of Bayard Road (Road 384) 0.4 mile north of Church Road (Road 382); said property being identified as Sussex County Tax Map Parcel Number 5-33-11.00-84.00. After a hearing, the Board made the following findings of fact:

1. Ted Ruberti and Todd Hickman were sworn in to testify about the Application.
2. The Board found that Mr. Hickman testified that he is a Vice President for NV Homes and that the Applicant seeks permission to use a trailer as a temporary sales office.
3. The Board found that Mr. Hickman testified that unit has been delivered to the site.
4. The Board found that Mr. Hickman testified that there is no business currently being conducted at the manufactured home and the Applicant will only do so if it receives approval from the Board.
5. The Board found that Mr. Hickman testified that the Applicant obtained approval from the Delaware Department of Transportation on March 6, 2014 for the entrance.
6. The Board found that Mr. Hickman testified that the Applicant plans to only use the unit for six (6) months while the model home is being constructed.
7. The Board found that Mr. Hickman testified that, once the model home is completed, the Applicant will conduct sales from the model home.
8. The Board found that Mr. Hickman testified that the unit will be painted and the site will be landscaped.
9. The Board found that Mr. Hickman testified that there will be a paved parking lot.
10. The Board found that Mr. Hickman testified that there are no other houses within a couple hundred yards of the Property.
11. The Board found that Mr. Hickman testified that the use will not substantially adversely affect the surrounding and neighboring properties.
12. The Board found that no parties appeared in support of or in opposition to the Application.
13. 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 proposed manufactured home will be painted and the area nearby will be landscaped. The manufactured home will be used until the model home is complete so the use will be temporary. There was no evidence presented to the Board which demonstrates that the

manufactured home will substantially affect adversely the uses of neighboring and adjacent properties. The approval was granted for a period of one (1) year.

The Board granted the special use exception application for a period of one (1) year 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 one (1) year. 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 June 3, 2014.