

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY
IN RE: A&A FARMS, INC.**

(Case No. 11414)

A hearing was held after due notice on July 7, 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 a concrete batch plant.

Findings of Fact

The Board found that the Applicant was seeking a special use exception for a concrete batch plant. This application pertains to certain real property northwest of Road 525 (Coverdale Road) 1.1 mile southwest of Route 18 (Seashore Highway); said property being identified as Sussex County Tax Map Parcel Number 4-30-23.00-82.02. After a hearing, the Board made the following findings of fact:


1. Edward Kaye was sworn in to testify about the Application.
2. The Board found that Mr. Kaye testified that the Board previously granted approval in 2009 for the concrete batch plant on the Property.
3. The Board found that Mr. Kaye testified that the Applicant wishes to extend that approval for five (5) years.
4. The Board found that Mr. Kaye testified that the plant has been in operation for four (4) years as it took approximately one (1) year to construct the facility.
5. The Board found that Mr. Kaye testified that there have been no changes made to the operation of the plant since approval.
6. The Board found that Mr. Kaye testified that there is an existing berm surrounding the plant.
7. The Board found that Mr. Kaye testified that the Property is adjacent to farmland and Coverdale Crossroads.
8. The Board found that Mr. Kaye testified that there have not been any complaints from the neighbors since 2009.
9. The Board found that Mr. Kaye testified that the buildings on the Property are the batch plant, a storage building, and a sand plant that is not operational at this time.
10. The Board found that Mr. Kaye testified that the use does not substantially adversely affect the uses of the neighboring and adjacent properties.
11. The Board found that one (1) party appeared in support of the Application.
12. The Board found that no parties appeared in opposition to the Application.
13. Based on the findings above and the testimony and evidence 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 adjacent or neighboring properties. The plant has been in operation for four (4) years with no complaints from neighbors and is located adjacent to farmland. The Property is surrounded by an existing berm. No evidence was presented which would demonstrate that the use does not substantially affect adversely the uses of 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 for a period of five (5) years.

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 September 9, 2014