

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JOSEPH BAKER

(Case No. 11424)

A hearing was held after due notice on July 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 retain a commercial dog kennel.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to retain a commercial dog kennel. This application pertains to certain real property located north of Route 54 (Lighthouse Road) 1,112 feet west of Route 389 (Dickerson Road) (911 Address: 33053 Lighthouse Road, Selbyville, Delaware); said property being identified as Sussex County Tax Map Parcel Number 5-33-18.00-12.00. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received no correspondence regarding the Application.
2. Joseph Baker was sworn in to testify about the Application.
3. The Board found that Mr. Baker testified that this is his sixth time in front of the Board for a special use exception and that he has been in business for twenty-five (25) years.
4. The Board found that Mr. Baker testified that there have been no changes made to the dog kennel since his last approval.
5. The Board found that Mr. Baker testified that there have been no changes in the neighborhood and that neighboring property is agricultural.
6. The Board found that Mr. Baker testified that all dogs are inside for the night by 9:00 p.m.
7. The Board found that Mr. Baker testified that he lives on the Property and cannot hear the dogs once they are inside the kennel.
8. The Board found that Mr. Baker testified that the dogs are out during the hours of 7:00 a.m. and 9:00 p.m.
9. The Board found that Mr. Baker testified that they have visiting hours from 10:00 a.m. to 4:00 p.m. to allow vacationers to visit their boarded pets.
10. The Board found that Mr. Baker testified that there are eighteen (18) runs.
11. The Board found that Mr. Baker testified that there have been no complaints from the neighbors.
12. The Board found that Mr. Baker testified that the use does not substantially affect adversely the uses of adjacent and neighboring properties.
13. The Board found that Mr. Baker testified that that the business generates approximately six (6) to eight (8) cars per day on average.
14. The Board found that no parties appeared in support of or in opposition to the Application.
15. 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 business has been operated at its present location for many years and no evidence was presented regarding complaints from neighbors. The business generates a very small amount of traffic and the Applicant has taken steps to

minimize the noise emanating from the kennel. No evidence was presented which would demonstrate that the use does not substantially affect adversely the uses of neighboring and adjacent properties. The special use exception was approved for a period of five (5) years.

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.