

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

**IN RE: CALVARY BAPTIST CHURCH**

**(Case No. 11492)**

A hearing was held after due notice on November 17, 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 as a classroom.

Findings of Fact

The Board found that the Applicants were seeking a special use exception to place a manufactured home type structure as a classroom. This application pertains to certain real property located southwest of Route 113 (DuPont Boulevard) and approximately 1,302 feet northwest of Road 431 (Shortly Road) (911 Address: 22860 South DuPont Blvd, Georgetown, DE); said property being identified as Sussex County Tax Map Parcel Number 1-35-23.00-6.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a portion of the tax map of the area, and an undated survey of the Property.
2. The Board found that the Office of Planning and Zoning received no correspondence regarding the Application.
3. J. Frank Perdue and Peter Radford were sworn in to testify about the Application.
4. The Board found that Mr. Perdue testified that the unit will measure 24 feet by 60 feet.
5. The Board found that Mr. Perdue testified that the unit was previously used by the Woodbridge School District.
6. The Board found that Mr. Perdue testified that the Property is located on Route 113 near First State Chevrolet and across the street from the Probation and Parole Office.
7. The Board found that Mr. Perdue testified that the unit is not visible from the road.
8. The Board found that Mr. Perdue testified that the Applicant plans to demolish an existing structure and build a multi-use structure in the future.
9. The Board found that Mr. Perdue testified that the Applicant requests approval for five (5) years.
10. The Board found that Mr. Perdue testified that the use will not substantially adversely affect the uses of the neighboring and adjacent properties.
11. The Board found that Mr. Radford testified that the unit will be used on Sundays from 10:00 a.m. to 12:00 p.m. and 5:00 p.m. to 6:30 p.m., and Wednesday 7:00 p.m. to 8:00 p.m. and that the unit will be used for 25-30 children.
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 and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and unrebutted, the Board determined that the application met the standards for granting a special use exception because the proposed manufactured home will not substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to approve the Application.

- a. The Property is used as a church and the Applicant intends to use the structure for classroom space related to the church at reasonable hours.
  - b. The Property is located along Route 113 near commercial property.
  - c. No evidence was presented that the proposed structure would substantially affect adversely the uses of neighboring and adjacent properties.
14. The special use exception was granted 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 standards 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 January 27, 2015