

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

**IN RE: CAPE HENLOPEN SCHOOL DISTRICT**

**(Case No. 11550)**

A hearing was held after due notice on April 6, 2015. 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 two (2) temporary manufactured home structures to be used as classrooms.

**Findings of Fact**

The Board found that the Applicant is requesting a special use exception to place two (2) temporary manufactured home structures to be used as classrooms. This application pertains to certain real property located southeast of Route 24 (John J. Williams Highway) approximately 1,000 feet southwest of Road 284 (Mulberry Knoll Road) (911 Address: 19483 John J. Williams Highway, Lewes, DE); said property being identified as Sussex County Tax Map Parcel Number 3-34-12.00-107.00. 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, a letter dated February 20, 2015, from Zachary Crouch, and a survey dated December 17, 2014.
2. The Board found that the Office of Planning and Zoning received no letters in support of or in opposition to the Application.
3. The Board found that Zachary Crouch was sworn in and testified regarding the Application.
4. The Board found that Mr. Crouch testified that the Board previously approved the units to be placed on the Property in August 2010 for a period of five (5) years.
5. The Board found that Mr. Crouch testified that the school plans to relocate the units on the Property to make room for the proposed school additions. The new construction is scheduled to be completed by February 2016 and the units will be removed from the Property once construction is complete.
6. The Board found that Mr. Crouch testified that the units will be relocated in the interim near the bus parking lot.
7. The Board found that Mr. Crouch testified that the use will not substantially adversely affect the surrounding and neighboring properties.
8. The Board found that Mr. Crouch testified that the Applicant has not received any complaints about the structures.
9. The Board found that Mr. Crouch testified that the structures are needed to provide classroom space.
10. The Board found that Mr. Crouch testified that the structures are currently 70-80 feet from neighboring properties and the structures will be moved farther away from neighboring properties.
11. The Board found that Mr. Crouch testified that trees on the north side of the Property provide a buffer from neighboring properties.
12. The Board found that Mr. Crouch testified that the Applicant requests an approval of one (1) year.
13. The Board found that no parties appeared in support of or in opposition to the Application.
14. 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 un rebutted, the Board determined that the application met the standards for granting a special use exception because the two (2) proposed manufactured home-type structures 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.

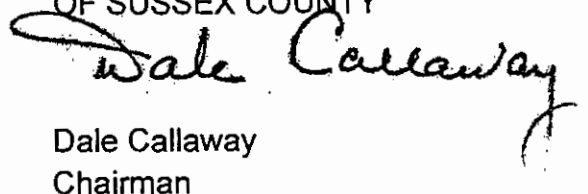
- a. The Property is located on a large parcel and is used as a school by the Applicant. The structures will be used as classrooms and are consistent with the use of the Property.
- b. The structures are already located on the Property and will be re-located to an area on the Property which is farther away from neighboring properties and is shielded by a wooded buffer.
- c. The Applicant has not received any complaints about the structures since they were placed on the Property in 2010.
- d. No evidence was presented which would demonstrate that the two (2) manufactured home-type structures would have a substantial adverse effect on neighboring and adjacent properties.
- e. The Applicant will only use the structures temporarily until additions to the school can be completed in 2016.
- f. Per the Applicant's request, the Board approved the special use exception for a period of one (1) year to allow for the additions to the school to be completed and for the structures to be removed from the Property.

The Board granted the special use exception application for a period of one (1) year 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 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 May 5, 2015