

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JKJ PROPERTIES, LLC

(Case No. 11564)

A hearing was held after due notice on May 4, 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 a manufactured home type structure for a sales trailer and office.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to place a manufacture home type structure for a sales trailer and office. This application pertains to certain real property located north of Road 207 (Johnson Road) corner east of U.S. Route 113 (DuPont Boulevard) (911 Address: 17959 Johnson Road, Lincoln); said property being identified as Sussex County Tax Map Parcel Number 1-30-6.00-118.00. 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 portion of the Sussex County Zoning Code, and a survey dated March 10, 2015.
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 James Weller, Jr. was sworn in and testified regarding the Application. David Hutt, Esquire, presented the Application on behalf of the Applicant.
4. The Board found that Mr. Hutt stated that the Property is located at the intersection of Route 113 and Johnson Road near Lincoln.
5. The Board found that Mr. Hutt stated that the Applicant purchased the Property at a sheriff's sale in July 2014.
6. The Board found that Mr. Hutt stated that the Applicant discovered after the purchase that the previous owner had let the existing special use exception expire. The unit was approved by the Board in 2004 and used as an office for Blue Hen Auto Sales.
7. The Board found that Mr. Hutt stated that the Applicant plans to use the unit for a sales office as well. The Applicant plans to sell sheds, swing sets, outdoor furniture, and other outdoor items.
8. The Board found that Mr. Hutt stated that the adjacent properties are all commercially zoned. An auto salvage business is located across from the Property and billboards are located on another adjacent property.
9. The Board found that Mr. Hutt stated that the Applicant plans to paint the existing structure.
10. The Board found that Mr. Hutt stated that the use will not substantially adversely affect the uses of the neighboring and adjacent properties.
11. The Board found that Mr. Hutt stated that the Applicant is seeking approval for five (5) years.
12. The Board found that Mr. Weller testified that the unit is in good condition and that there is an existing deck and skirting around the unit.
13. The Board found that Mr. Weller testified that his neighbors support the Application.

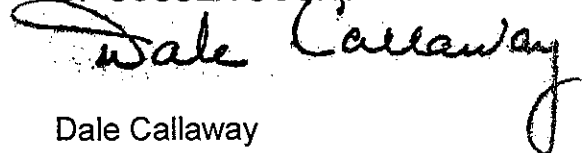
14. The Board found that Mr. Weller testified that he affirmed the statements made by Mr. Hutt.
15. The Board found that one (1) party appeared in support of the Application.
16. The Board found that no parties appeared in opposition to the Application.
17. Based on the findings above and the testimony 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 manufactured home-type structure 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 adjacent to Route 113 and near other commercial properties including an auto salvage business.
 - b. The structure will be used as a sales office for the Applicant's shed and outdoor furniture business. The structure was previously used as an office for an automobile dealership.
 - c. The structure is already located on the Property and has been located there since 2004.
 - d. The Applicant has received support from neighbors for this application.
 - e. The structure is skirted and has an existing deck which will remain. The Applicant will paint the structure and maintain it in good condition.
 - f. No evidence was presented which would demonstrate that the manufactured home-type structure would have a substantial adverse effect on neighboring and adjacent properties.
 - g. Per the Applicant's request, the Board approved the special use exception 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 June 9, 2015