

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ESTUARY DEVELOPMENT, LLC

C/O MERIS PROPERTIES, LLC

(Case No. 11601)

A hearing was held after due notice on July 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 a temporary manufactured home type structure as a sales office.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to place a temporary manufactured home type structure as a sales office. This application pertains to certain real property located on the southwest side of Camp Barnes Road approximately 0.58 miles south of Double Bridges Road (911 Address: 36364 Camp Barnes Road, Frankford); said property being identified as Sussex County Tax Map Parcel Number 1-34-19.00-116.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a letter dated May 7, 2015, from Stephen Marsh, a picture of the proposed structure, a site plan dated April 2015, a Temporary Sales Center Location Map, and a portion of the tax map of the area.
2. The Board found that the Office of Planning and Zoning received one (1) letter in support of the Application and had not received any correspondence in opposition to the Application.
3. The Board found that Steven Broadwick and Lawton Myrick were sworn in and testified regarding the Application. Mr. Myrick submitted pictures to the Board to review.
4. The Board found that Mr. Myrick testified that the preliminary site plan approval for The Estuary Development was granted in May 2014 and that they are close to having all agency approvals for the final site plan.
5. The Board found that Mr. Broadwick testified that the Applicant intends to place a manufactured home type structure which has been enhanced with architectural improvements on the Property to be used as a temporary sales office.
6. The Board found that Mr. Broadwick testified that the temporary sales office request is for two (2) years but they anticipate only needing the structure for approximately nine (9) months.
7. The Board found that Mr. Broadwick testified that the unit will be removed once the model dwelling has been constructed and the model unit will be used as the sales office at that time.
8. The Board found that Mr. Broadwick testified that there will be eight (8) parking spaces available and one (1) handicap accessible parking space.
9. The Board found that Mr. Broadwick testified that the unit will measure 24 feet by 60 feet and have a covered porch.
10. The Board found that Mr. Broadwick testified that the use will not substantially adversely affect the neighboring and adjacent properties since the unit will be placed in the center of a four-hundred (400) acre parcel.

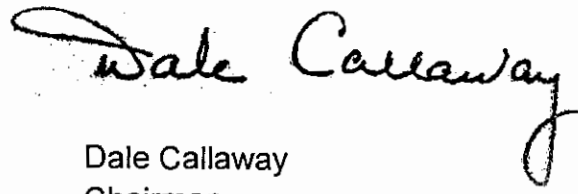
11. The Board found that Mr. Broadwick testified that there will be a temporary holding tank on site for facilities.
12. The Board found that Mr. Broadwick testified that the unit will have ADA access and have landscaping.
13. The Board found that Mr. Broadwick testified that they used the same unit for a prior project in Millville.
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, 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 Applicant proposes to place a manufactured home type structure on the Property for a period of time while the Applicant develops the Property. The structure will be used as a sales office until such time as a model home is constructed.
 - b. The development consists of approximately 400 acres and the proposed structure will be located near the center of the development. As shown on the site plan provided by the Applicant, the structure will be far from neighboring and adjacent lands owned by third parties.
 - c. The structure has been used in another development and pictures of the structure confirm that it has a pleasant appearance.
 - d. No evidence was presented which would demonstrate that the structure would have a substantial adverse effect on neighboring and adjacent properties.
 - e. The application was approved for a period of two (2) years as requested by the Applicant. The Applicant intends to remove the structure upon completion of the model home but the structure will be used as a sales office in the meantime.

The Board granted the special use exception application for a period of two (2) 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 two (2) 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 August 18, 2015