

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: J&K RENTALS

(Case No. 11616)

A hearing was held after due notice on August 3, 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 retain a temporary manufactured home type structure as an office.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to retain a temporary manufactured home type structure as an office. This application pertains to certain real property located on the northwest corner of DuPont Boulevard and Fitzgeralds Road (911 Address: 17115 Fitzgeralds Road, Lincoln); said property being identified as Sussex County Tax Map Parcel Number 1-30-6.00-88.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a copy of the Findings of Fact for Case No. 2008-10224, an aerial photograph of the Property, pictures of the structure, and a portion of the tax map of the area.
2. The Board found that the Office of Planning and Zoning had not received any correspondence in support of or in opposition to the Application.
3. The Board found that Scott Fitzgerald was sworn in and testified regarding the Application.
4. The Board found that Mr. Fitzgerald testified that the unit was approved by the Board in 2008 and is used as the main office for the salvage yard.
5. The Board found that Mr. Fitzgerald testified that the use has not nor will substantially adversely affect the uses of the neighboring and adjacent properties.
6. The Board found that Mr. Fitzgerald testified that they own the adjacent properties.
7. The Board found that Mr. Fitzgerald testified that there have been no changes to the unit since 2008.
8. The Board found that Mr. Fitzgerald testified that he was not aware the approval expired after five (5) years.
9. The Board found that Mr. Fitzgerald testified that the use is needed for five (5) more years.
10. The Board found that no parties appeared in support of or in opposition to the Application.
11. 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 retain a manufactured home type structure on the Property for to be used as an office for a salvage yard.
 - b. The structure has been on the Property since 2008 and no complaints about its presence have been submitted into the record.

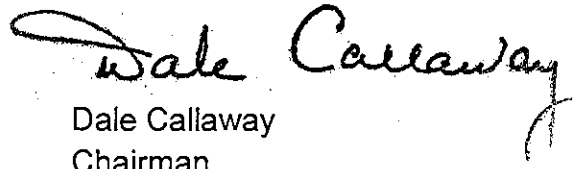
- c. The pictures of the structure confirm that the structure has a pleasant appearance.
- d. No evidence was presented which would demonstrate that the structure would have a substantial adverse effect on neighboring and adjacent properties. The Applicant owns adjacent lands as well.
- e. The application was approved for a period of five (5) years as requested by the Applicant.

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 September 15, 2015.