

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

**IN RE: MOUNTAIRE**

**(Case No. 11627)**

A hearing was held after due notice on August 17, 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 an 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 an office. This application pertains to certain real property located on the northeast corner of John J. Williams Highway (Route 24) and Maryland Camp Road (911 Address: None Available); said property being identified as Sussex County Tax Map Parcel Number 2-34-32.00-106.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, an aerial photograph of the area, a portion of the tax map of the area, and a survey dated June 10, 2000.
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 Greg Esham was sworn in and testified regarding the Application. Mr. Esham submitted schematics dated July 29, 2015, and a survey of the Property dated July 31, 2015.
4. The Board found that Mr. Esham testified that the proposed unit will be used by the Applicant's accounting department.
5. The Board found that Mr. Esham testified that the prior building used by the department was in poor shape and had been demolished. The employees were moved to a leased space but the staff complained of moldy conditions in the leased space. Numerous attempts were made to clear up the issue.
6. The Board found that Mr. Esham testified that the proposed unit will be used for the twenty-four (24) employees until the Applicant completes a new office complex.
7. The Board found that Mr. Esham testified that the new office complex will consist of approximately 45,000 square feet in size.
8. The Board found that Mr. Esham testified that the proposed unit will measure 48 feet by 66 feet and will be located behind the Applicant's existing complex.
9. The Board found that Mr. Esham testified that the unit will use the existing drive and parking area. The unit will also be connected to the existing septic system. The State has approved of the plans for the water and septic servicing the unit.
10. The Board found that Mr. Esham testified that the proposed office complex is projected to be completed in September 2016 and will be used by all employees.
11. The Board found that Mr. Esham testified that the unit will be removed once the new office complex is complete.
12. The Board found that Mr. Esham testified that the Applicant is requesting approval for two (2) years.
13. The Board found that Mr. Esham testified that the use will not substantially adversely affect the uses of neighboring and adjacent properties.

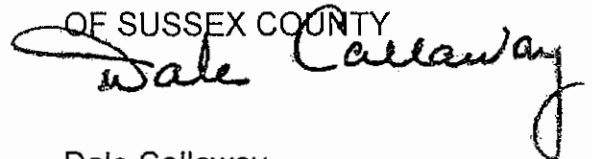
14. The Board found that no parties appeared in support of or in opposition to the Application.
15. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive, and un rebutted, the Board determined that 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 Property is a large lot consisting of over 100 acres as shown on the survey and tax map. The Applicant already operates a business on the Property and the structure will be used temporarily while the Applicant constructs its permanent office complex.
  - b. The Applicant has sufficient parking and entrances for the employees who will be using the structure.
  - c. The structure will be connected to existing water and sewer connections servicing the Property.
  - d. No evidence was presented which would demonstrate that the structure will have a substantial adverse effect on neighboring and adjacent properties.
  - e. The special use exception was approved for a period of two (2) years.

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 October 6, 2015