

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: AMICK FARMS, LLC

(Case No. 11716)

A hearing was held after due notice on February 15, 2016. The Board members present were: Mr. Dale Callaway, Mr. John Mills, and Mr. Norman Rickard.

Nature of the Proceedings

This is an application for a special use exception for a multi-sectional manufactured home type structure as an office building.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to use a multi-sectional manufactured home type structure as an office building. This application pertains to certain real property located on the west side of Bi-State Boulevard across from Allens Mill Road Road (911 Address: 10281 Amick Drive, Delmar); said property being identified as Sussex County Tax Map Parcel Number 5-32-13.00-37.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, pictures of the Property, and a site plan of the Property dated August 13, 2015.
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 John Shahan and Richard Martinson were sworn in and testified regarding the Application.
4. The Board found that Mr. Shahan testified that the Applicant seeks to add some additional office space at its feed mill.
5. The Board found that Mr. Shahan testified that the structure will be a modular structure located on a permanent foundation. The area around the unit will be landscaped.
6. The Board found that Mr. Shahan testified that the Applicant chose this structure for the speed in which it would be available.
7. The Board found that Mr. Shahan testified that the unit will meet all setback requirements. The unit will be 773 feet from the front property line and 283 feet from the side property line.
8. The Board found that Mr. Shahan testified that the neighboring properties consist of an existing scrapyard and farmland.
9. The Board found that Mr. Shahan testified and that the existing railroad adjacent to the Property is used for grain deliveries to the feed mill.
10. The Board found that Mr. Shahan testified that the building will be 2,077 square feet in size.
11. The Board found that Mr. Shahan testified that the Applicant is working with the Delaware Department of Transportation to ensure that the entrance meets all of its standards. The Applicant has received approvals from the Sussex Conservation District and the Office of the State Fire Marshal.
12. The Board found that Mr. Shahan testified that the Applicant is aware the special use exception can only be approved for a period of (5) years.
13. The Board found that Mr. Shahan testified that there will be a walkway connecting the unit to the existing building.
14. The Board found that Mr. Shahan testified that the use will not substantially adversely affect the uses of the neighboring and adjacent properties.
15. The Board found that no parties appeared in support of or in opposition to the Application.

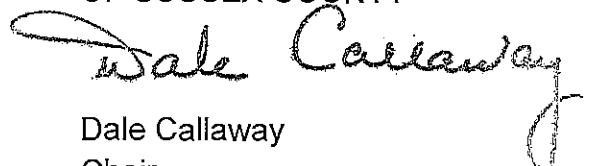
16. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive and un rebutted, the Board determined that the application met the standards for granting a special use exception because the manufactured home 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 used for a feed mill and the structure is needed for additional office space related to the Applicant's business.
 - b. The Property is a large parcel consisting of approximately 31 acres as shown on the survey provided by the Applicant. The structure will be located a great distance from nearby properties.
 - c. The structure is of modular construction and will be placed on a permanent foundation with skirting and landscaping around the unit. A walkway will connect the unit to other offices on the site. The evidence presented to the Board indicates that the unit will be in good condition and will look appropriate for the area.
 - d. Neighboring lands are used for farmland and a scrapyard. There is also an existing rail line which is adjacent to the rear of the Property.
 - e. No evidence was presented which would demonstrate that the structure would have a substantial adverse effect on neighboring and adjacent properties.
 - f. 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. John Mills, and Mr. Norman Rickard. No Board Members voted against the Motion to approve the special use exception application. Mr. Jeff Hudson and Mr. Brent Workman recused themselves from participation in this matter.

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 April 5, 2016