

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: THE JOSHUA M. FREEMAN FOUNDATION

(Case No. 11728)

A hearing was held after due notice on March 7, 2016. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. Norman Rickard, and Mr. Brent Workman. Mr. John Mills was absent.

Nature of the Proceedings

This is an application for a special use exception to place a temporary manufactured home type structure for offices.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to place a temporary manufactured home type structure for offices. This application pertains to certain real property located on the south side of Lakeview Drive in Americana Bayside (911 Address: 31750 Lakeview Drive, Selbyville); said property being identified as Sussex County Tax Map Parcel Number 5-33-19.00-36.01. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a letter from Steve Marsh, a portion of the tax map of the area, and a survey dated November 18, 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 Steve Marsh, Patty Grimes, and Robin Spagenberg were sworn in and testified regarding the Application. Mr. Marsh submitted exhibits to the Board to review.
4. The Board found that Mr. Marsh testified that the unit will be used for temporary production office for the Freeman Stage events. The unit will be placed to behind the stage for use by production staff, performers, and performer staff. There will be bathrooms and changing rooms available for the performers.
5. The Board found that Mr. Marsh testified that the Applicant has received approval for the construction of a permanent stage on the Property and the unit be used as a construction trailer during the construction of the new stage.
6. The Board found that Mr. Marsh testified that a future fundraising event is planned to offset the cost of the new stage.
7. The Board found that Mr. Marsh testified that the unit will be used as a production office for approximately 2 to 3 years before construction of the new stage begins.
8. The Board found that Mr. Marsh testified that the unit will be away from all residences and will be isolated and shielded from view of the residents. The unit has the appearance of a residence which will blend in with the area.
9. The Board found that Mr. Marsh testified that the unit will be primarily used May through September for the production office and will be used minimally during the off season.
10. The Board found that Mr. Marsh testified that the Applicant feels the five (5) year period will be adequate time.
11. The Board found that Mr. Marsh testified that the Applicant has advised all residents in Americana Bayside at a homeowners association meeting of the proposed temporary manufactured home office.
12. The Board found that Mr. Marsh testified that there will be no additional traffic to the area due to the unit and there is adequate parking already on site.

13. The Board found that Mr. Marsh testified that the use will not substantially adversely affect the uses of the 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 unrebutted, 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 currently used for a stage and the unit is needed to provide office space for the events hosted at the stage. The structure will be used temporarily until the Applicant constructs its permanent stage complex.
 - b. The Applicant has sufficient parking and entrances for the individual who will be using the structure. There will be no additional traffic generated by the unit.
 - c. The unit will have the appearance of a residence and will be isolated and shielded from other residential properties in the area.
 - d. The unit will be used primarily during the summer season with limited use throughout the rest of the year.
 - e. No evidence was presented which would demonstrate that the structure will have a substantial adverse effect on neighboring and adjacent properties.
 - f. The special use exception was approved 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. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve the special use exception application. Mr. John Mills did not participate in the discussion or vote of this 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 May 12, 2016