

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

**IN RE: TAC BEACON I, LLC**

**(Case No. 11803)**

A hearing was held after due notice on July 18, 2016. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Jeff Hudson, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to use a manufactured home type structure as a sales center.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to place a manufactured home type structure for a sales center. This application pertains to certain real property located on the south side of Clubhouse Road and on the west side of Main Street and Banks Road (911 Address: None Available); said property being identified as Sussex County Tax Map Parcel Number 1-34-17.00-170.00. After a hearing, the Board made the following findings of fact:

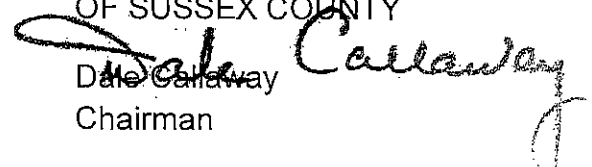
1. The Board was given copies of the Application, an aerial photograph of the Property, photographs of the unit, a portion of the tax map of the area, and a survey of the Property dated May 3, 2016.
2. The Board found that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Tim Green and Robert Sipple were sworn in and testified regarding the Application.
4. The Board found that Mr. Sipple testified that he is a representative of TAC Beacon I, LLC, which is the owner and developer of the Property and that the manufactured home type structure will be used as a sales center.
5. The Board found that Mr. Green, a representative of Schell Brothers, testified that Solitudes on White Creek is a new development and the proposed sales office will service this new development. The development will consist of 119 single family residential lots and site work for the development has begun.
6. The Board found that Mr. Green testified that Schell Brothers plans to begin building homes in December but the proposed sales office is needed to begin sales in August.
7. The Board found that Mr. Green testified that the site work is not complete for the construction of the permanent sales center and the permanent sales center will not be constructed until November 2016.
8. The Board found that Mr. Green testified that the Applicant seeks approval for use of the temporary sales center for one (1) year. The temporary sales office will be removed once the permanent sales center is complete.
9. The Board found that Mr. Green testified that the use will not substantially adversely affect the uses of the neighboring and adjacent properties.
10. The Board found that Mr. Green testified that the temporary sales center will have a clean appearance which will complement the surrounding area.
11. The Board found that Mr. Green testified that the facility is being refurbished and will be placed on Lot 1. All setback requirements will be met and the lot will be landscaped.
12. The Board found that Mr. Green testified that an enclosed holding tank will be placed under the unit and will not be visible. The tank will be pumped out on an as needed basis.

13. The Board found that Mr. Green testified that the hours of operation of the sales center will be Monday through Saturday, 10:00 a.m. to 5:00 p.m. and Sundays, 11:00 a.m. to 5:00 p.m. and there will be 1 or 2 employees at the site daily.
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 being developed for 119 residential lots and Schell Brothers is constructing the homes in the development. The manufactured home type structure will be used as a sales office for a short period of time until the permanent sales office is completed elsewhere in the community.
  - b. The structure is a refurbished structure which has a neat appearance as evidenced by the pictures submitted by the Applicant. The area surrounding the unit will be appropriately landscaped.
  - c. The Board is convinced that the Applicant will take adequate steps to keep the unit attractive; particularly since the unit will be used to attract potential customers to the Applicant's development.
  - d. The unit will be staffed by a small number of employees on a daily basis at reasonable times so the impact of the sales center on neighboring and adjacent properties should be minimal. Should neighbors have concerns about the unit, someone will be available each day to speak with them about those concerns.
  - 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 one (1) year.

The Board granted the special use exception application for a period of one (1) year 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 one (1) year. 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 20, 2016