

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

**IN RE: STANLEY C. VONASEK**

**(Case No. 11809)**

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 for a riding academy.

Findings of Fact

The Board found that the Applicant is requesting a special use exception for a riding academy. This application pertains to certain real property located on the south side of Reynolds Pond Road approximately 1.1 miles west of Isaacs Road (911 Address: 22146 Reynolds Pond Road, Ellendale); said property being identified as Sussex County Tax Map Parcel Number 2-35-6.00-16.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a portion of the tax map of the area, a survey of the Property dated April 29, 2016, and an aerial photograph of the Property.
2. The Board found that the Office of Planning and Zoning received no letters in support of or in opposition to the Application.
3. The Board found that Stanley Vonasek was sworn in and testified regarding the Application.
4. The Board found that Mr. Vonasek testified that the 60 feet by 120 feet pole barn will be used as a private indoor horse riding arena. The building is for personal use only.
5. The Board found that Mr. Vonasek testified that the building is located in the center of the Property.
6. The Board found that Mr. Vonasek testified that the Property is wooded except for the horse pastures.
7. The Board found that Mr. Vonasek testified that the adjacent neighbors have no objection to the Application and the building cannot even be seen by the neighboring properties.
8. The Board found that Mr. Vonasek testified that the use will not substantially adversely affect the uses of the neighboring and adjacent properties.
9. The Board found that Mr. Vonasek testified that the surrounding properties are rural.
10. The Board found that Mr. Vonasek testified that the building will not increase traffic in the area.
11. The Board found that Barbara Manship was sworn in and testified she was concerned that the Applicant rides his horses on her nearby farm. There are planks placed across the branch that allow the Applicant to ride on her property and she would like some assurance the Applicant will not continue to ride on her property.
12. The Board found that Mr. Vonasek testified that he has placed planks across the branch to ride horses on her property and he rides along the field to access the nearby Nature Conservancy property. He is willing to write a letter to Ms. Manship promising not to continue riding on her property.
13. The Board found that no parties appeared in support of the Application.
14. The Board found that no parties appeared in opposition to the Application.

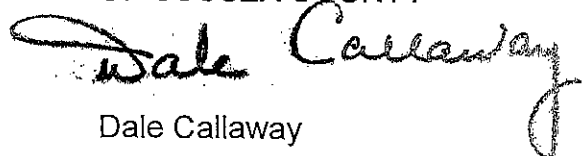
15. The Board found that one neighbor expressed concerns about trespasses.
16. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, the Board determined that the application met the standards for granting a special use exception because the daycare facility 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 owns a large property in a rural area and intends to place an indoor riding facility near the center of the property. The lot is wooded and the facility would be difficult to see from neighboring properties.
  - b. The facility appears to be consistent with the rural character of the neighborhood.
  - c. The facility will only be used for personal use and will not be open to the public.
  - d. There will be no additional traffic associated with the facility.
  - e. No evidence was presented which would demonstrate that the facility would have a substantial adverse effect on neighboring and adjacent properties. One person offered concerns about the Applicant trespassing onto her lands but the existence or non-existence of the facility would have no bearing on this issue. The Board notes that the Applicant has indicated he would no longer trespass on the neighbor's lands though.

The Board granted the special use exception application 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. 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.

Date September 20, 2016