

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SUSSEX CONSERVATION DISTRICT

(Case No. 11919)

A hearing was held after due notice on February 20, 2017. The Board members present were: Mr. John Mills, Mr. Jeff Hudson, and Mr. Brent Workman.

Nature of the Proceedings

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

Findings of Fact

The Board found that the Applicant is requesting a special use exception to use a manufactured home type structure as an office for a period of five (5) years. This application pertains to certain real property located on the northwest side of Shortly Road approximately 1,433 feet southwest of DuPont Boulevard (911 Address: 23818 Shortly Road, Georgetown); said property being identified as Sussex County Tax Map Parcel Number 1-35-23.00-5.00. 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, a portion of the tax map of the area, and a survey dated January 20, 2017.
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 David Baird was sworn in to testify about the Application.
4. The Board found that Mr. Baird testified that the Applicant will be relocating an existing office trailer due to State Fire Marshal regulations. Building #2 will be relocated due to State Fire Marshal regulations. Building #2 was placed on the Property in 2006.
5. The Board found that Mr. Baird testified that additional parking for staff and customers will be added.
6. The Board found that Mr. Baird testified that the Applicant's staff is growing. The Applicant employs 34 employees, which is an increase of 10 employees over the past 4-5 years.
7. The Board found that Mr. Baird testified that the Applicant is a quasi-governmental agency.
8. The Board found that Mr. Baird testified that the Applicant has outgrown its existing space.
9. The Board found that Mr. Baird testified that the new manufactured home-type structure will house the Applicant's storm water inspection program and equipment operation management.
10. The Board found that Mr. Baird testified that the Applicant has retained an architect to explore options for a permanent structure and the manufactured home-type structure will provide relief in the interim while the permanent structure is explored.
11. The Board found that Mr. Baird testified that the adjacent property to the west is an uninhabited property used for a poultry house operation. There have been no conflicts with the neighbor to the west.
12. The Board found that Mr. Baird testified that the lands to the east are lands owned by the State of Delaware used for a courthouse, State Police barracks, and facilities management. Those buildings are approximately ¼ miles away.
13. The Board found that Mr. Baird testified that nearby properties are also used for farmland.


14. The Board found that Mr. Baird testified that he does not anticipate that the structure will have an impact on the neighboring properties.
15. The Board found that Mr. Baird testified that the Sussex Conservation District leases the Property from the State.
16. The Board found that Mr. Baird testified that approvals have been received from the Office of the State Fire Marshal, the Department of Natural Resources & Environmental Control ("DNREC"), and the Delaware Department of Transportation ("DelDOT").
17. The Board found that Mr. Baird testified that the parcel consists of approximately 27 acres.
18. The Board found that one (1) party appeared in support of the Application.
19. The Board found that no parties appeared in opposition to the Application.
20. 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 used for by the Applicant for office space related to its quasi-governmental programs. The manufactured home-type structure will be used for an office.
 - b. The Property is a large parcel consisting of approximately 27 acres.
 - c. The Property is located near other government-owned buildings such as a courthouse, police barracks, and a facilities management office. The manufactured home-type structure will, thus, not alter the character of the neighborhood.
 - d. No evidence was presented which would demonstrate that the structure will have a substantial adverse effect on neighboring and adjacent properties. The lack of evidence is notable since the Applicant run its operation with a similar manufactured home-type structure on the property for over 10 years. If the existence of a manufactured home-type structure had some substantial adverse effect on neighboring and adjacent properties, the Board would expect some evidence to that effect to be submitted to the Board yet no evidence was provided. Rather, the Applicant submitted substantial evidence to the contrary and the Board finds that evidence credible and persuasive.

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. Jeff Hudson, Mr. John Mills, and Mr. Brent Workman. No Board Members voted against the Motion to approve the special use exception application. Mr. Dale Callaway and Mr. Norman Rickard did not participate in the discussion or vote on 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 April 4, 2017