

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

**IN RE: PROXIMITY MALT, LLC**

**(Case No. 11947)**

A hearing was held after due notice on April 17, 2017. 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 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. This application pertains to certain real property located on the southwest corner of Bi-State Boulevard (Route 13) and St. George Road (Road 501) (911 Address: 33222 Bi-State Boulevard, Laurel); said property being identified as Sussex County Tax Map Parcel Number 3-32-3.00-56.00. 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 site plan dated December 12, 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 Scott Rogers was sworn in and testified regarding the Application.
4. The Board found that Mr. Rogers testified that the Property was previously used by the Laurel Grain Company and the Applicant is renovating the Property to process local grains for the craft brewing industry.
5. The Board found that Mr. Rogers testified that there are multiple process-related structures on site and the proposed manufactured home type structure will be used for clerical and office work. The structure will not be used for industrial purposes.
6. The Board found that Mr. Rogers testified that the proposed manufactured home is similar to a portable classroom or a trailer used for light commercial or residential use. The home will be skirted.
7. The Board found that Mr. Rogers testified that the use will not substantially adversely affect the uses of neighboring and adjacent properties.
8. The Board found that Mr. Rogers testified that the structure will be located away from the road and will likely be one of the more non-descript buildings on site.
9. The Board found that Mr. Rogers testified that the Applicant would like to get the operation up and running before constructing a permanent office structure. He anticipates the structure will be needed for 2 years.
10. The Board found that Mr. Rogers testified that the neighboring properties are for agricultural use and there have been no complaints from neighbors.
11. The Board found that no parties appeared in support of or in opposition to the Application.
12. 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 a grain processing facility and has historically been used by the Laurel Grain Company. The site has numerous structures related to the processing of grains and the Applicant proposes to place a manufactured home type structure to be used as an office.
- b. The manufactured home type structure will be used for clerical purposes only and the Applicant intends to construct a permanent structure on the Property after the business grows.
- c. The Property is a large lot as it consists of approximately 17.84 acres.
- d. The Property is located in an area of agricultural uses and the Applicant's business and is consistent with the uses in the area.
- e. The structure will be located near the center of the Property and the Board agrees with the architect's testimony that the building will likely be non-descript in comparison with the other structures on the Property.
- f. No evidence was presented which would demonstrate that the structure will have a substantial adverse effect on neighboring and adjacent properties. Rather, the Applicant submitted substantial evidence to the contrary and the Board finds that evidence credible and persuasive.
- g. The special use exception was approved for a period of two (2) years.

The Board granted the special use exception application for a period of two (2) 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 two (2) years. 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 May 16, 2017