

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: J.G. TOWNSEND JR. & CO.

(Case No. 12006)

A hearing was held after due notice on August 7, 2017. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. John Mills, Mr. Norman Rickard 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 a temporary sales office. This application pertains to certain real property located 1,400 feet east of Kings Highway (Route 9) on Gills Neck Road (911 Address: None Available); said property being identified as Sussex County Tax Map Parcel Number 3-35-12.00-3.11. 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 June 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 Timothy Green was sworn in and testified regarding the Application.
4. The Board found that Mr. Green testified that Governors is a new subdivision for 423 home sites located on Gills Neck Road. The project is currently underway and homes are expected to be built in March or April of 2018. Sales of the homes will begin in February 2018.
5. The Board found that Mr. Green testified that the manufactured home will be used in the subdivision. The request is for a temporary manufactured home to be placed for a period of two (2) years until the model home is completed.
6. The Board found that Mr. Green testified that the manufactured home-type structure will not substantially affect adversely the uses of neighboring and adjacent properties.
7. The Board found that Mr. Green testified that the structure will be located in a residential setting in the interior of the community and the structure will be a significant distance from existing structures on neighboring lands. The area surrounding the unit will be landscaped and will be inviting and natural.
8. The Board found that Mr. Green testified that wastewater will be collected in a holding tank underneath the unit and will be pumped out on an as-needed basis. Lights will be provided to illuminate the parking lot.
9. The Board found that Mr. Green testified that the temporary sales center will be removed when the model home is completed in June or July of 2018.
10. The Board found that Mr. Green testified that the hours of operation of the sales center will be Monday through Saturday from 10:00 AM to 5:00 PM, and Sunday from 11:00 AM to 5:00 PM.
11. The Board found that Mr. Green testified that there will be adequate parking for employees and customers.
12. The Board found that Mr. Green testified that the proposed manufactured home is an older manufactured home that is being completely rebuilt and remodeled to look similar to other manufactured home used in the past by the Applicant.

13. The Board found that Mr. Green testified that the unit will have an attractive appearance.
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 423 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 will have a neat appearance and 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 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, Ms. Ellen Magee, 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 19, 2017