

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

**IN RE: DRC PROPERTIES**

**(Case No. 12020)**

A hearing was held after due notice on September 18, 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 to place a manufactured home type structure for an office. This application pertains to certain real property located on the north side of Lighthouse Road (Route 54), approximately 553 feet east of Old Mill Bridge Road (Route 381) (911 Address: 32033 Seashore Way, Selbyville); said property being identified as Sussex County Tax Map Parcel Number 5-33-12.00-76.05. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a First Amendment to a Declaration Plan dated April 13, 2017, a site plan dated July 27, 2017, an aerial photograph of the Property, a portion of the tax map of the area, and photographs of the proposed unit.
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 Jake Booth sworn in and testified regarding the Application. Mr. Booth submitted exhibits for the Board to review.
4. The Board found that Mr. Booth testified that he is a representative for Capstone Homes and Capstone Homes has entered into an agreement with DRC Properties to build 87 townhome units in the community known as Seashore Villas.
5. The Board found that Mr. Booth testified that the site improvements, infrastructure, road, and entrance improvements have been completed and the building pads have been graded. While the infrastructure has been installed, no buildings are currently constructed on the site. The model unit, however, is under construction on the second building pad site.
6. The Board found that Mr. Booth testified that the Applicant is proposing to place a construction trailer for use as a sales center to be located on the first building pad.
7. The Board found that Mr. Booth testified that the special use exception requested is for a period of one (1) year for the construction trailer to be used for a sales office.
8. The Board found that Mr. Booth testified that the trailer will be placed near the entrance to the community and will be accessed from the main entrance to the community.
9. The Board found that Mr. Booth testified that the unit will not substantially affect adversely the uses of the neighboring adjacent properties.
10. The Board found that Mr. Booth testified that the sales center will be positioned facing Seashore Way and the unit will have a clean and attractive appearance from the exterior. The surrounding area will be landscaped.
11. The Board found that Mr. Booth testified that the sales unit will have water and wastewater tanks serviced by Clean Delaware on an as needed basis.
12. The Board found that Mr. Booth testified that there will be ten (10) parking spaces for the unit.

13. The Board found that Mr. Booth testified that, once the model unit is completed, the trailer will be removed and the pad will be restored.
14. The Board found that Mr. Booth testified that the sales trailer will be staffed Monday through Saturday from 10 am to 5 pm. Should there be questions or concerns from neighbors about the trailer, a staff member will be on-site to address them.
15. The Board found that Mr. Booth testified that this site is surrounded by commercial property.
16. The Board found that no parties appeared in support of or in opposition to the Application.
17. 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 un rebutted, 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 87 residential units and Capstone Homes is constructing the units in the development. The manufactured home type structure will be used as a sales office for a short period of time until the permanent model unit sales office is completed elsewhere in the community.
  - b. The structure 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 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, 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.

A placement permit must be obtained before  
the manufactured home is placed on the property.

Date November 21, 2017.