

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

**IN RE: DTN PROPERTIES, LLC**

**(Case No. 12085)**

A hearing was held after due notice on January 22, 2018. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, and Mr. John Mills.

Nature of the Proceedings

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

Findings of Fact

The Board found that the Applicant is seeking a special use exception to use a manufactured home type structure as an office. This application pertains to certain real property located on the northwest corner of the intersection of DuPont Boulevard (Route 113) and Parker Road (Road 380) (911 Address: 35502 Parker Road, Frankford); said property being identified as Sussex County Tax Map Parcel Number 5-33-4.00-6.00.

1. The Board was given copies of the Application, a survey of the Property dated October 31, 2017, aerial photographs of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Lynn Hickman and Michael Moutzalias were sworn in to testify about the Application. Ms. Hickman submitted an exhibit to the Board to review.
4. The Board found that Ms. Hickman testified that the Applicant purchased the Property in October 2017. The Property consists of 5.87 acres and had been abandoned for many years. Her son has cleared out the Property.
5. The Board found that Ms. Hickman testified that her son owns a business known as East Coast Campers and More and the business needs an office trailer.
6. The Board found that Mr. Moutzalias testified that, when he acquired the Property, there were many structures on the Property including old and abandoned structures. He took out 20 construction dumpsters of trash and debris related to the site.
7. The Board found that Ms. Hickman testified that the office trailer is not skirted but the Applicant intends to skirt the unit if the special use exception is granted.
8. The Board found that Mr. Moutzalias testified that he cannot afford to construct a permanent office on the site.
9. The Board found that Mr. Moutzalias testified that he sells RVs. Travel trailers and RVs are currently parked near the road because he is arranging for a controlled burn on the rear of the Property. He will be moving the travel trailer and RVs after the burn.
10. The Board found that Mr. Moutzalias testified that he requests approval to keep the trailer for a period of five (5) years.
11. The Board found that Mr. Moutzalias testified that the trailer is a construction trailer that was previously used by a different RV dealer. The trailer is vinyl-sided and is a solid structure. He plans to add a temporary porch to the trailer to give it the appearance of a cabin on a campground and he intends to make the trailer look appealing.
12. The Board found that Mr. Moutzalias testified that the trailer will not substantially affect adversely the uses of neighboring and adjacent properties.
13. The Board found that Mr. Moutzalias testified that there are private homes, poultry houses, and farmland nearby.

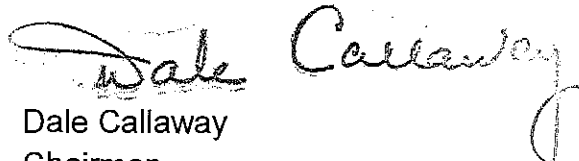
14. The Board found that Mr. Moutzalias testified that he has not received any complaints about the trailer.
15. The Board found that Ms. Hickman testified that she received a compliment from a neighbor.
16. The Board found that no parties appeared in support of or in opposition to the Application.
17. 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 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 sales for the Applicant's RV and sales business. The Applicant proposes to use the manufactured home-type structure as a sales office until a permanent office building is constructed.
  - b. The Property is a large, partially commercial lot consisting of approximately 5.87 acres and is located along Route 113. There are poultry houses and agricultural properties located nearby.
  - c. The pictures of the structure presented by the Applicant demonstrate that the structure is well-maintained and has a neat appearance. The Applicant has also testified that he intends to improve the structure to make it appealing to customers and the public. Since the structure will be used to attract business to the Property, the Board is convinced that the Applicant will take appropriate steps to make sure that the structure is well-maintained and attractive.
  - d. The proposed structure is part of the Applicant's plan to rehabilitate the Property, which had been abandoned for many years. The Property was neglected and littered with debris and abandoned structures. The Applicant has taken measures to remove the debris and abandoned structures while also improving the landscape of the site. These efforts have improved the Property and have been noted by at least one neighbor to Ms. Hickman. The addition of the manufactured home-type structure is part of the Applicant's plan to improve the Property. These improvements will likely enhance the character of the neighborhood and will benefit neighboring and adjacent properties.
  - 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 five (5) years.

The Board granted the special use exception application for a period of five (5) 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 five (5) years. The Board Members in favor were Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, and Mr. John Mills. No Board Member voted against the Motion to approve the special use exception application. Mr. Brent Workman 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 March 6, 2018