

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MOUNTAIRE FARMS

(Case No. 12098)

A hearing was held after due notice on February 5, 2018. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, Mr. John Mills, 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 for a period of five (5) years.

Findings of Fact

The Board found that the Applicant is requesting a special use to place a manufactured home type structure for an office for a period of five (5) years. This application pertains to certain real property located on the northwest corner of the intersection of John J. Williams Highway (Route 24) and Maryland Camp Road (911 Address: 29106 John J. Williams Highway, Millsboro); said property being identified as Sussex County Tax Map Parcel Number 2-34-32.00-106.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a site plan of the Property, a drawing of the site, an aerial photograph of the Property, a portion of the tax map of the area, and photographs of the proposed unit and the site.
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 Greg Esham was sworn in and testified regarding the Application.
4. The Board found that Mr. Esham testified that a temporary office trailer was previously on the Property but has been removed. The proposed manufactured home will be placed in the same location as the prior structure.
5. The Board found that Mr. Esham testified that the proposed manufactured home will measure 12 feet wide by 60 feet long and will consist of two offices, a bathroom, and a common area.
6. The Board found that Mr. Esham testified that the facility will be used for by human resources for recruiting.
7. The Board found that Mr. Esham testified that the current space used by human resources is located across the street in the plant area and there are security and safety issues with the current location.
8. The Board found that Mr. Esham testified that the proposed location will be easier for prospective employees to find and will avoid confusion.
9. The Board found that Mr. Esham testified that there is already existing water and electric hook ups for the structure.
10. The Board found that Mr. Esham testified that the old administrative building is being demolished and turned into a large parking area. Another 400 parking spaces will be added after the demolition and the completion of the parking lot.
11. The Board found that Mr. Esham testified that the Property is a large parcel and the use will not be disruptive to any neighbors.
12. The Board found that Mr. Esham testified that the wellness center is located next door with parking available.
13. The Board found that Mr. Esham testified that the proposed structure will be located across the street from the existing plant. Prospective employees currently have to park on one side of the road and cross a walkway to enter the plant in order to

interview for a job. The proposed manufactured home will eliminate the need for them to go to the plant and cross the road.

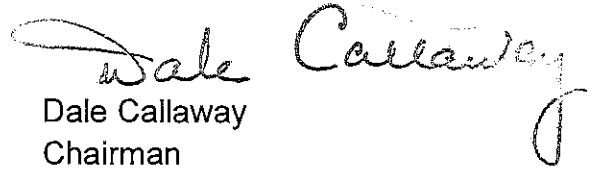
14. The Board found that Mr. Esham testified that Mountaire has many new applicants and a high rate of employee turnover. The use is necessary for hiring purposes.
15. The Board found that Mr. Esham testified that the Applicant has yet to determine where the permanent building will be located on the Property.
16. The Board found that Mr. Esham testified that the Applicant seeks approval for five (5) years.
17. The Board found that Mr. Esham testified that the use will not substantially affect adversely adjacent and neighboring properties.
18. The Board found that no parties appeared in support of or in opposition to the Application.
19. 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 a large lot as shown on the site plan and tax map. The Applicant already operates a business on the Property and the structure will be used temporarily by the Applicant's human resources department. Currently, employees and prospective employees who visit the human resources department must park on the Property and cross the road to meet at the plant. The proposed location of the human resources department will eliminate the need for prospective employees to have to cross the road and, thus, will reduce the foot traffic in the area.
 - b. The Applicant has sufficient parking and entrances for the employees who will be using the structure.
 - c. The structure will have a neat appearance as evidenced by the picture presented by the Applicant.
 - d. No evidence was presented which would demonstrate that the structure will have a substantial adverse effect on neighboring and adjacent properties.
 - e. 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, Mr. John Mills, 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 March 20, 2018