

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

**IN RE: SUSSEX SPORTS AMENITIES, LLC**

**(Case No. 12099)**

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 as a temporary kitchen, restrooms, and a golf pro-shop.

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 kitchen, restrooms, and a golf pro-shop. This application pertains to certain real property located on the south side of Lakeview Drive, approximately 1,373.07 feet west of the intersection of Sound Church Road and Lakeview Drive (911 Address: 31804 Lakeview Drive, Selbyville); said property being identified as Sussex County Tax Map Parcel Number 5-33-19.00-36.01 Lot 2 (portion of). After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a letter from Steven Marsh, an aerial photograph of the Property, a site plan dated December 2017, a portion of the tax map of the area, and photographs of the 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 Steve Marsh and Rich Rishel were sworn in and testified about the Application.
4. The Board found that Mr. Marsh testified that he is the engineer for the project and The Property is located in Americana Bayside.
5. The Board found that Mr. Marsh testified that the structure has been on the Property since 2005 as the original special use exception was granted in 2005. The approval was renewed in 2013.
6. The Board found that Mr. Marsh testified that the Cove restaurant was built around the structure.
7. The Board found that Mr. Marsh testified that, in 2015, the Applicant decided to move the permanent golf club house to the location where the existing driving range is located.
8. The Board found that Mr. Marsh testified that a master plan was submitted in December 2015 and preliminary site plan approval was received in September 2017. The Applicant is working on engineering and Sussex Conservation District approvals.
9. The Board found that Mr. Marsh testified that the Applicant anticipates opening the clubhouse by March 2020.
10. The Board found that Mr. Marsh testified that the facility does not adversely affect neighboring and adjacent properties.
11. The Board found that Mr. Marsh testified that the facility has served as a vital part of the Americana Bayside community.
12. The Board found that Mr. Rishel testified that the Applicant will be starting construction of the clubhouse this summer provided final site plan approval is received this spring.
13. The Board found that Mr. Rishel testified that members are anxious for a permanent facility.

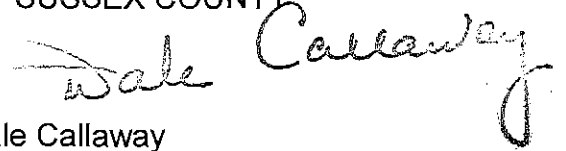
14. The Board found that Mr. Rishel testified that the permanent facility will be larger than the existing facility.
15. The Board found that Mr. Marsh testified that there will be no changes to the structures themselves and that the Applicant built around the existing manufactured homes.
16. The Board found that Mr. Marsh testified that the only complaints received are from members who question when the permanent clubhouse will be completed.
17. The Board found that no parties appeared in support of or in opposition to the Application.
18. 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 parcel used as part of the Americana Bayside community. The site includes a golf course and the Applicant is planning to erect a permanent clubhouse on the Property but is in the midst of receiving the necessary land use approvals for the permanent facility. This process has been ongoing for quite some time. The Applicant has been using the manufactured home-type structure as a temporary facility during this interim period.
  - b. The existing manufactured home-type structure has been on the Property since 2005 and has been used as a golf club house and restaurant.
  - c. From the photographs presented by the Applicant, it is clear that the structure is well-maintained and has a neat appearance. The area surrounding the unit is appropriately landscaped and, due to its exceptional condition, it is unlikely that neighbors of the facility would even know that the unit is a manufactured home-type structure.
  - d. 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 customers to the restaurant and golf course.
  - e. No evidence was presented which would demonstrate that the structure will have a substantial adverse effect on neighboring and adjacent properties. The lack of evidence is telling since the structure has been on the Property for many years and, if neighbors had evidence of a substantial adverse effect from the structure, the Board would expect such evidence to be submitted into the record.
  - f. The special use exception was approved for a period of three (3) years.

The Board granted the special use exception application for a period of three (3) 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 three (3) 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