

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: NSBM, LLC

(Case No. 12173)

A hearing was held after due notice on July 23, 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.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to use a manufactured home type structure for an office. This application pertains to certain real property located on the south side of John. J. Williams Highway (Route 24), west of Love Creek; (911 Address: 20860 Boat Hole Boulevard, Lewes); said property being identified as Sussex County Tax Map Parcel Number 2-34-7.00-108.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a plot plan dated May 7, 2018, a preliminary site plan of the Property, an aerial photograph of the Property, a portion of the tax map of the area, schematics of the neighborhood, and drawings of the proposed manufactured home type structure.
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 Michael Stortini was sworn in to testify about the Application and submitted exhibits to the Board to review.
4. The Board found that Mr. Stortini testified that the Applicant is redeveloping the Property. Currently, the Property is used for a marina and has greenhouses and cottages. The greenhouses and cottages will be demolished.
5. The Board found that Mr. Stortini testified that this unit will not substantially affect adversely the uses of adjacent and neighboring properties because the Property consists of over fourteen (14) acres.
6. The Board found that Mr. Stortini testified that the unit measures 10 feet by 40 feet and will be on the Property for one year while the model unit is being constructed.
7. The Board found that Mr. Stortini testified that the trailer will be fairly new and the area around the unit will be landscaped. The Applicant plans to make the unit attractive as well.
8. The Board found that Mr. Stortini testified that the Applicant seeks the approval for 3 years.
9. The Board found that Mr. Stortini testified that the Applicant will use the current entrance to the Property so there are no changes to the road system.
10. The Board found that Mr. Stortini testified that the unit will be used to attract buyers.
11. The Board found that Mr. Stortini testified that there are no neighbors due to the road, wetlands, and Love Creek.
12. The Board found that no parties appeared in support of or in opposition to the Application.
13. 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.

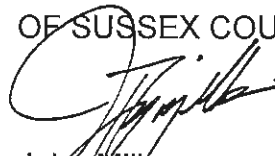
- a. The Property is a large lot as shown on the site plan and tax map. The Property can easily hold this unit without overburdening the site.
- b. The Applicant is redeveloping the Property and will be using the unit for a temporary period of time while the main units on the site are being constructed. The unit will be used as a sales office and will be landscaped and have an attractive appearance.
- c. 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. No evidence was presented which convinced the Board 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 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 Member voted against the Motion to approve the special use exception application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


John Mills
Chairman

If the use is not established within two (2) years from the date below the application becomes void.

Date September 18, 2018.