

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SS-LS-DE, LC d/b/a SS-LS-DE, LLC

(Case No. 12195)

A hearing was held after due notice on September 10, 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 use a manufactured home type structure for an office.

Findings of Fact

The Board found that the Applicant is requesting a special use exception for a period of five (5) years to use a manufactured type home to use for security at its multi-unit, mini-storage facility. This application pertains to certain real property located on the southeast side of Discount Land Road, approximately 253 feet northeast of Sussex Highway (Route 13) (911 Address: 29285 Discount Land Road, Laurel); said property being identified as Sussex County Tax Map Parcel Number 2-32-12.00-63.01. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a plot plan dated July 6, 1990, pictures of the Property, an aerial photograph of the Property, and a portion of the tax map of the area.
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 Gary Creppon was sworn in to testify about the Application and Nicole Faries, Esquire, appeared on behalf of the Applicant.
4. The Board found that Ms. Faries stated that the Applicant operates a multi-unit, mini-storage facility on the site and the manufactured home-type structure has been on the Property since 1992. The Board previously granted special use exception approvals in 2008 and 2013 for the structure.
5. The Board found that Ms. Faries stated that the Applicant purchased the Property in 2012 and the structure is used to house surveillance equipment and is used as an office when a security guard is on premises.
6. The Board found that Ms. Faries stated that the use will not substantially affect adversely the uses of adjacent neighboring properties because it has been there since 1992 and has increased security for neighboring properties.
7. The Board found that Ms. Faries stated that there are other manufactured homes in the area.
8. The Board found that Mr. Creppon, who manages the Property, affirmed the statements made by Ms. Faries as true and correct.
9. The Board found that Mr. Creppon testified that the structure is well-maintained and that there have been no complaints from neighbors.
10. The Board found that no parties appeared in support of or in opposition to the Application.
11. The Board left the record open for the Applicant to submit information as to the long-term plans of the structure and facility. On September 14, 2018, the Applicant submitted a letter and affidavit setting forth the long-term plans of the facility. In the affidavit, Robert Ruais of the Applicant stated that the Applicant intends to remodel the structure and to construct a permanent structure within five (5) years.
12. 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 site is used for a multi-unit storage facility and the structure is related to that commercial use.
- c. The manufactured home-type structure has been on the Property since 1992 and no complaints were noted in the record about it. The lack of complaints is telling because, if some substantial adverse effect on neighboring and adjacent properties existed, the Board would expect neighbors to present such evidence.
- d. The Applicant submitted pictures of the unit and it appears to be maintained in a presentable condition.
- e. The unit is used for security purposes which helps improve the safety of the Property and enhanced security should also benefit neighboring properties.
- f. No evidence was presented which convinced the Board that the structure will have a substantial adverse effect on neighboring and adjacent properties.
- g. 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 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 November 20, 2018.