

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: WILLIAM DRAINE

(Case No. 12207)

A hearing was held after due notice on October 1, 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 operate a driving range.

Findings of Fact

The Board found that the Applicant is seeking a renewal of five years for a special use exception to operate a driving range. This application pertains to certain real property located on the northwest and northeast corners of Hollyville Road and Mount Joy Road (911 Address: 26050 Hollyville Road, Millsboro) said property being identified as Sussex County Tax Map Parcel Number 2-34-21.00-47.00.

1. The Board was given copies of the Application, 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 & Zoning received four (4) letters of support to the Application and no correspondence in opposition to the Application.
3. The Board found that William Draine was sworn in to testify about the Application. Mr. Draine submitted exhibits to the Board to review.
4. The Board found that Mr. Draine testified that the Property is used for the Golf Haven Driving Range. The facility is not open to the public and is used exclusively by his private students by appointment only.
5. The Board found that Mr. Draine testified that the driving range does not adversely affect the use of neighboring properties. The Board previously granted approval for the driving range in 2013 and there have been no changes to the driving range since that time. He has no plans to expand the facility.
6. The Board found that Mr. Draine testified that the facility is only open during daylight hours and the facility produces no noise or lighting.
7. The Board found that Mr. Draine testified that Sussex County owns neighboring property used for spray irrigation.
8. The Board found that Mr. Draine testified that there have been no complaints.
9. The Board found that no parties appeared in support of or in opposition to the Application.
10. 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 driving range facility 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 Applicant proposes to operate a driving range facility on the Property. The facility has been in operation on the Property for many years and is a limited use facility. The driving range is not open to the public and is only to available for use by the Applicant and his students by appointment only. The Applicant has no intentions to expand the facility.
 - b. The Property is rather large, as evidenced by the tax map, and can easily accommodate this facility.
 - c. The Property is adjacent to lands owned by Sussex County and used by Sussex County for spray irrigation.

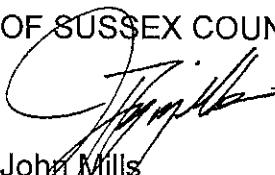
- d. There have been no complaints about the facility. The lack of complaints is telling since, if a substantial adverse effect existed, the Board would expect some evidence of such be submitted into the record.
- e. The facility is only operational during daylight hours and the noise and lighting from the facility are minimal.
- f. The Applicant has taken steps to ensure that golf balls hit on the driving range do not leave the Property.
- g. There is adequate parking on the Property.
- h. No one appeared in opposition to the Application and no evidence was presented which would demonstrate that the daycare facility would have a substantial adverse effect on neighboring and adjacent properties. Rather, the Board received letters of support from a nearby business owner.
- i. The special use exception was approved for five (5) years with the condition that the facility does not expand beyond its current size and scope.

The Board granted the special use exception application for five (5) years with conditions 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 with conditions. 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 with conditions.

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 December 11, 2018.