

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

**IN RE: DELAWARE DEPARTMENT OF TRANSPORTATION**

**(Case No. 12255)**

A hearing was held after due notice on January 7, 2019. 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 to use a manufactured home type structure for an office for a period of two years. This application pertains to certain real property located on the southeast corner of DuPont Boulevard (Route 113) and South Bedford Street (911 Address: 23697 DuPont Boulevard, Georgetown) said property being identified as Sussex County Tax Map Parcel Number 1-35-23.00-13.00. 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, 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 Skip Sanders was sworn in to testify about the Application.
4. The Board found that Mr. Sanders testified that the Applicant seeks the special use exception to place a manufactured home in its parking lot. The unit will be used as an office trailer for a period of 2 years and the unit will be used by 8 consultant construction inspectors. Those inspectors will check into the unit each day but will mostly spend their time off-site.
5. The Board found that Mr. Sanders testified that the unit is a used manufactured home in good shape. The unit measures 12 feet by 60 feet and will be serviced by an HVAC system. The Applicant has obtained a fire permit for the unit.
6. The Board found that Mr. Sanders testified that the administration building, which is also located on the Property, is full and the additional space is needed. The unit will afford the Applicant with additional space for its workers.
7. The Board found that Mr. Sanders testified that there is plenty of parking on the Property.
8. The Board found that Mr. Sanders testified that the special use exception will not substantially affect adversely the uses of adjacent and neighboring properties.
9. The Board found that no one 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 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.

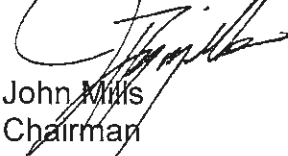
- b. The site is used by the Delaware Department of Transportation and includes an administration building. The manufactured home type structure will be related to the existing uses on the site as it will provide office space for workers who can no longer fit in the administration building.
- c. The Applicant presented un rebutted testimony that the unit is in good condition.
- 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 two (2) years.

The Board granted the special use exception application for a period of two (2) 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 two (2) 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 March 5, 2019.