

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MARANATHA CHURCH

(Case No. 12258)

A hearing was held after due notice on January 28, 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 place a manufactured home type structure for use as an office.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to place a double-wide manufactured home type structure to use as an office for a period of five (5) years. This application pertains to certain real property on the west side of Sussex Highway (Route 13) approximately 0.29 miles south of Greenwood Road (911 Address: 12370 Sussex Highway, Greenwood); said property being identified as Sussex County Tax Map Parcel Number 5-30-10.00-40.01. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a letter from Bruce Mitchell, a DNREC permit, 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 one (1) letter in support of and one (1) letter in opposition to the Application.
3. The Board found that Michael Bell was sworn in to testify about the Application.
4. The Board found that Mr. Bell testified that the Applicant intends to place a 1995 model doublewide manufactured home on the Property. The structure will be used as office space for the church and will be used 3-4 days per week.
5. The Board found that Mr. Bell testified that the Applicant purchased the unit from the State and that the unit is in good condition. The Applicant intends to make improvements to the unit.
6. The Board found that Mr. Bell testified that the church is growing and additional space is needed. The structure will provide a short-term solution while the church looks for other lands.
7. The Board found that Mr. Bell testified that the unit will be placed to the rear of the existing church.
8. The Board found that Mr. Bell testified that the unit measures 24 feet wide and is a lesser width than the current structure. The unit will have two offices and a bathroom but there will be no kitchen facilities.
9. The Board found that Mr. Bell testified that DNREC has approved the use and a septic permit has been issued.
10. The Board found that Mr. Bell testified that the unit will not substantially affect adversely the uses of adjoining and neighboring properties.
11. The Board found that Mr. Bell testified that the neighbor to the north of the Property has no objection to the request.
12. The Board found that Mr. Bell testified that the unit will meet setback requirements.
13. The Board found that four (4) parties appeared in support of and no parties appeared in opposition to the Application.
14. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board weighed and considered, 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.

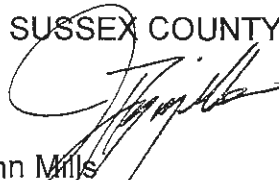
- a. The unit will be located on a lot currently used for a church. The church is growing and additional space is needed to accommodate its needs. The unit will complement the existing use.
- b. The unit will meet all setback requirements and is narrower than the other structure on the site.
- c. The Applicant testified that the unit is in good condition and will be well-maintained, if not improved. No evidence to the contrary was presented.
- d. The neighbor to the north of the Property submitted a letter supporting the Application.
- e. The unit will be used for office space only part of the week. Due to this limited use, the impact of the unit on neighboring properties should be minimal. There was no evidence presented which indicates that traffic, noise, emissions, or light were significantly impacted by the proposed unit.
- f. Opposition presented concerns about the impact of the unit on the septic system but the Applicant has received approval from DNREC for the septic system. The Board also finds that, while the opposition raised several questions, the opposition did not present any substantial evidence that the proposed structure would substantially affect adversely the uses of neighboring and adjacent properties.
- g. The Board was not convinced that the structure will have a substantial adverse effect on neighboring and adjacent properties.
- h. 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 March 5, 2019