

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CONCRETE BUILDING SYSTEMS OF DELAWARE, INC.

(Case No. 12293)

A hearing was held after due notice on April 15, 2019. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. John Mills, Mr. John Williamson, 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 five (5) years. This application pertains to certain real property located on the northeast corner of Old Racetrack Road and Brick Manor Road approximately 970 feet west of 2nd Street (911 Address: 9283 Old Racetrack Road, Delmar) said property being identified as Sussex County Tax Map Parcel Number 5-32-20.00-12.01. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a letter from the Applicant, a letter from Alan Levin dated November 1, 2013, a letter from Crystal Steele Fabrications, Inc., dated October 17, 2013, a letter from Tom Anderson dated October 16, 2013, a partial site plan of the Property dated June 20, 2013, a photograph of the unit, 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 Todd Stephens was sworn in to testify about the Application. Mr. Stephens submitted photographs of the Property.
4. The Board found that Mr. Stephens testified that the manufactured home serves as the corporate headquarters for a number of companies that he owns.
5. The Board found that Mr. Stephens testified that he purchased the Property in 2007. At that time, the site was previously used as an industrial site with 2 older trailers. He removed the trailers in 2012-13 and he purchased the existing structure from Hale Trailers.
6. The Board found that Mr. Stephens testified that the unit is built to last and looks like a permanent structure. The unit has handicap accessibility and the exterior of the unit is landscaped.
7. The Board found that Mr. Stephens testified that he spoke with neighbors and they are happy with the improvements to the Property.
8. The Board found that Mr. Stephens testified that the unit will not substantially affect adversely the uses of adjacent and neighboring properties as the area around the unit has been landscaped and the unit looks like a permanent building.
9. The Board found that Mr. Stephens testified that the unit is a vast improvement to the buildings that were on the Property when purchased by the Applicant.
10. The Board found that Mr. Stephens testified that he would like to construct a permanent office building but there are no plans at this time to build a permanent building.
11. The Board found that no one appeared in support of or in opposition to the Application.
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 by the Applicant for its corporate offices and is related to the existing uses on the site.
- c. The site previously housed 2 older trailers which have been removed by the Applicant and replaced with this unit. The pictures provided by the Applicant demonstrate that the unit is a significant improvement to the Property. The pictures further demonstrate that the unit is in good condition and is well-maintained. The unit has exterior landscaping and a handicap ramp. There was no testimony to the contrary.
- 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 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. John Mills, Mr. John Williamson, 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 June 4, 2019.