

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: INDIAN RIVER SCHOOL DISTRICT

(Case No. 12324)

A hearing was held after due notice on July 1, 2019. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Ms. Ellen Magee, Mr. John Williamson, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to use manufactured home type structures as classrooms.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to use six (6) manufactured type structures as classrooms. This application pertains to certain real property located on the northwest corner of Patriots Way and Avenue of Honor (911 Address: 26026 Patriots Way, Georgetown) said property being identified as Sussex County Tax Map Parcel Number 1-33-11.00-105.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a site plan dated May 1, 2019, 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 Chad Carter was sworn in to give testimony about the Application.
4. The Board found that Mr. Carter testified that the proposed manufactured home-type structures are to alleviate overcrowding concerns on the existing site. The Applicant recently lost a referendum and the additional space is needed to house students since growth in the student population is expected.
5. The Board found that Mr. Carter testified that the Applicant seeks approval for five (5) years.
6. The Board found that Mr. Carter testified that the Applicant will meet all County standards for landscaping.
7. The Board found that Mr. Carter testified that approval has been granted from the Fire Marshal.
8. The Board found that Mr. Carter testified that four (4) of the manufactured home-type structures will be new models and two (2) units will be older models.
9. The Board found that Mr. Carter testified that the goal is to have the classrooms ready for the beginning of the new school year.
10. The Board found that Mr. Carter testified that the units will hold 25-30 students per unit.
11. The Board found that Mr. Carter testified that this use will not substantially affect adversely the uses of adjacent and neighboring properties.
12. The Board found that no parties appeared in support of or in opposition to the Application
13. 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 structures 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 located on a large parcel and is used as a school by the Applicant. The structures will be used as classrooms and are consistent with the use of the Property.
- b. The structures will be placed near the center of the Property and away from neighboring properties.
- c. No evidence was presented which would demonstrate that the six (6) manufactured home-type structures would have a substantial adverse effect on neighboring and adjacent properties.
- d. There was no evidence that the units will have a substantial adverse effect on traffic, emissions, noise, or property values.
- e. The units will assist the Applicant in addressing concerns about overcrowding in the existing facility.
- f. Per the Applicant's request, the Board approved the special use exception for a period of five (5) years and the approval is for 6 modular classroom units.

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 of the Motion to approve were Dr. Kevin Carson, Mr. Jeff Chorman, Ms. Ellen Magee, Mr. John Williamson, and Mr. Brent Workman. No Board Member voted against the Motion to approve the special use exception application for a period of five (5) years.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY

*Ellen M Magee*

Ellen M. Magee  
Chair

If the use is not established within two (2) years from the date below the application becomes void.

Date August 20, 2019