

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SERVICE GLASS CO., INC.

(Case No. 12327)

A hearing was held after due notice on July 15, 2019. The Board members present were: Ms. Ellen Magee, Dr. Kevin Carson, Mr. John Williamson, Mr. Brent Workman, and Mr. Jeff Chorman.

Nature of the Proceedings

This is an application a special use exception to use a manufactured home type structure for an office (Sections 115-80 and 115-210 of the Sussex County Zoning Code).

Findings of Fact

The Board found that the Applicant is seeking a special use exception to use a manufactured home type structure for an office (Sections 115-80 and 115-210 of the Sussex County Zoning Code) on a parcel of land zoned C-1. The property is identified as Sussex County Tax Map and Parcel Number 5-31 12.00 43.00, with a 911 address of 6102 W. Stein Highway, Seaford, Delaware.

After the hearing, the Board made the following findings of fact:

The Board was given copies of the Application, a survey of the property, a photo of the area, a photo of the office, and the Board of Adjustment's decision dated May 6, 2014 for Case No. 11346.

1. Ms. Bulkilvish, of Sussex County, described the case and stated that the Office of Planning and Zoning has received no letters in opposition to the Application.
2. Ms. Bulkilvish explained that the Applicant is seeking a special use exception to use a manufactured home type structure for an office (Sections 115-80 and 115-210 of the Sussex County Zoning Code) on a parcel of land zoned C-1. The property is identified as Sussex County Tax Map and Parcel Number 5-31 12.00 43.00, with a 911 address of 6102 W. Stein Highway, Seaford, Delaware.
3. The Board found that this Application is for a renewal of Case no. 11346 granted by this Board on March 24, 2104 for a special use exception to use a manufactured home-type structure as an office for another five-year period.
4. Michele Booth was sworn in to testify about the application and James A. Fuqua appeared on behalf of the Applicant.
5. The Board found that Mr. Fuqua stated that the Property is located on the south side of West Stein Highway and that the business has operated from this site for many years.
6. The Board found that Mr. Fuqua stated that this special use exception was originally granted in 2009, renewed in 2014 and that the Applicant is now seeking an additional five years.
7. The Board found that Mr. Fuqua stated that the unit was originally placed on the lot due to flooding issues.
8. The Board found that Mr. Fuqua stated that the Applicant leases the Property and is not able to construct a permanent structure.
9. The Board found that Mr. Fuqua stated that there are seven employees of the Applicant and a number of subcontractors of the Applicant.
10. The Board found that Mr. Fuqua stated that in 2014 this Board found that the use did not have any adverse effect on adjacent or neighboring properties.
11. The Board found that Mr. Fuqua stated that there is skirting on the manufactured structure as required.
12. The Board found that Mr. Fuqua stated that nothing significant has changed for the use or the area over the past five years and that the use will not substantially affect adversely the uses of neighboring and adjacent properties.
13. The Board found that Ms. Booth affirmed the statements made by Mr. Fuqua as true and correct.
14. The Board found that there was one letter in support provided by Mr. Fuqua from the property owner, Mr. Donald Ward.

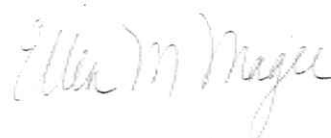
15. The Board found that no other parties appeared in support of, or in opposition to, the Application
16. Based on the findings above and the testimony and evidence presented during the Public Hearing and contained in the Public Record, the Board determined that the application met the standards for granting a special use exception because the use does not substantially affect adversely the uses of adjacent or neighboring properties. The special use exception was approved, or renewed, for a period of five (5) years. The manufactured-type structure has been on the property for quite some time, and was approved for five-year periods in two prior decisions by this Board. Further, there was no evidence at all that the structure has had, or will have, any adverse effect on any neighboring or adjacent properties.

Based on the foregoing, the Board approved the special use exception application for a period of five (5) years finding that it met the standard 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 approval were Ms. Ellen Magee, Dr. Kevin Carson, Mr. John Williamson, Mr. Brent Workman, and Mr. Jeff Chorman.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Ellen M. Magee
Chair

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

Date September 10, 2019