

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

**IN RE: BEEBE MEDICAL CENTER**

**(Case No. 12369)**

A hearing was held after due notice on October 7, 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 a special use exception to use a manufactured home type structure as a pharmacy.

Findings of Fact

The Board found that the Applicant is seeking a special use exception to use a manufactured home type structure as a pharmacy. The property is located on the south side of John J. Williams Highway (Route 24) approximately 773 feet east of Warrington Road, with a 911 address of 18941 John J. Williams Highway, Rehoboth Beach, said property being identified as Sussex County Tax Map Parcel Number 3-34-12.00-57.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a site plan dated August 26, 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 and Martin Blood were sworn in to give testimony about the Application. Mr. Blood submitted exhibits to the Board.
4. The Board found that Mr. Carter testified that the request is to use a manufactured home as a temporary pharmacy while the existing pharmacy is being renovated. The request is for 5 years as the length of the remodel is undetermined at this time.
5. The Board found that Mr. Carter testified that the unit will be used by employees to obtain inhouse pharmaceuticals and it is not a retail business. No patients will be seen in the unit.
6. The Board found that Mr. Carter testified that the nearest dwelling is over 200 feet from the site and the nearest neighbor is Beebe itself.
7. The Board found that Mr. Carter testified that the manufactured home will meet setback requirements and there is a landscaped buffer on the Property.
8. The Board found that Mr. Carter testified that the noise and light pollution from the facility will be minimal.
9. The Board found that Mr. Carter testified that the unit is handicap accessible and will be used by staff for compounding and IV bags.
10. The Board found that Mr. Blood testified that he is the pharmacy manager at the Tunnell Cancer Center.
11. The Board found that Mr. Blood testified that the renovation of the pharmacy will meet USP 800 guidelines and that, during the renovation, a germ-free company provides trailers that will come to the site.
12. The Board found that Mr. Blood testified that the trailers can be set up for utilities and the trailers have clean rooms to prepare the medication for the oncology patients.
13. The Board found that Mr. Blood testified that the unit may be used by other parts of the hospital if other remodeling is needed.
14. The Board found that Mr. Blood testified that the unit will house 7-8 employees.
15. The Board found that Mr. Blood testified that there will be security for the manufactured home type structure.

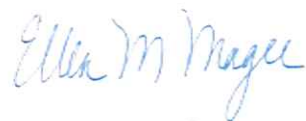
16. The Board found that Mr. Blood testified that the unit will not substantially affect adversely the uses of adjacent and neighboring property.
17. The Board found that no one appeared in support of or in opposition to the Application.
18. Based on the findings above and the testimony and evidence 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 located on a large parcel and is used as a medical facility by the Applicant. The structure will be used as a pharmacy and is consistent with the use of the Property.
  - b. The structure will be placed near the existing facility on the Property and away from neighboring properties owned by third parties. The Applicant owns the closest lands to the site.
  - c. No evidence was presented which would demonstrate that the manufactured home-type structure would have a substantial adverse effect on neighboring and adjacent properties.
  - d. There was no evidence that the unit will have a substantial adverse effect on traffic, emissions, noise, or property values.
  - e. The units will assist the Applicant in providing medical services while the existing facility is remodeled.
  - f. The unit will be used only by medical staff and will not be used as a retail site or be used for seeing patients.
  - g. Per the Applicant's request, the Board approved the special use exception 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 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  
Chair

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

Date December 3, 2019.