

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

**IN RE: CAPE HENLOPEN SCHOOL DISTRICT**

**(Case No. 12164)**

A hearing was held after due notice on July 9, 2018. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. John Mills and Mr. Brent Workman.

Nature of the Proceedings

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

Findings of Fact

The Board found that the Applicant is requesting a special use to place two manufactured home type structures as temporary classrooms. This application pertains to certain real property located on the east side of John J. Williams Highway (Route 24), approximately 1,247 feet south of Mulberry Knoll Road (911 Address: 19483 John J. Williams Highway, Lewes); said property being identified as Sussex County Tax Map Parcel Number 3-34-12.00-107.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a site plan of the Property, 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 the Application or in opposition to the Application.
3. The Board found that Lenny Richardson, Supervisor of Facilities for the Cape Henlopen School District, was sworn in to testify about the Application.
4. The Board found that Mr. Richardson testified that the request is to place modular classrooms in the same location as the previous modular classrooms which were removed from the Property three years ago. The modular classrooms will provide additional space for the overcrowded school while the new middle school is being built. The new middle school is projected to open in 2023. Presently, the capacity for the school is 528 students and 659 students are enrolled.
5. The Board found that Mr. Richardson testified that the request is for two modular classrooms. One unit would be purchased and put in place this year and one unit would be placed next year.
6. The Board found that Mr. Richardson testified that the modular classrooms would be placed in the exact same location as the modular classrooms previously on the site. The Applicant received no complaints about the prior modular classrooms.
7. The Board found that Mr. Richardson testified that the use will not substantially affect adversely the uses of neighboring and adjacent properties.
8. The Board found that no parties appeared in support of or in opposition to the Application.
9. 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 on the Property in the same location as previous modular classrooms which were located on the Property.
- c. The Applicant has not received any complaints about the previous structures since they were located on the Property.
- d. No evidence was presented which would demonstrate that the two (2) manufactured home-type structures would have a substantial adverse effect on neighboring and adjacent properties.
- e. The Applicant will only use the structures temporarily until the new middle school is completed in 2023.
- f. Per the Applicant's request, the Board approved the special use exception for a period of five (5) year and the approval is for 2 modular classrooms.

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, and Mr. Brent Workman. No Member voted against the Motion to approve the special use exception application. Mr. Bruce Mears did not participate in the discussion or vote on this 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 September 11, 2018.