

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

**IN RE: STEVE JOSEPH BAIRD, JR.**

**(Case No. 12448)**

A hearing was held after due notice on July 20, 2020. The Board members present were: Dr. Kevin Carson, Ms. Ellen Magee, Mr. John Williamson and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to operate a rifle or pistol range.

Findings of Fact

The Board found that the Applicant is seeking a special use to operate a rifle or pistol range. This application pertains to certain real property on the southwest side of Staytonville Road approximately 330 feet southeast of Gum Branch Lane (911 Address: 16344 Staytonville Road, Lincoln) said property being identified as Sussex County Tax Map Parcel Number 2-30-25.00-4.05. After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a letter from the Applicant, letters in support of the Application, a subdivision survey plan dated March 11, 2004, information on the outdoor shooting range, a portion of the tax map of the area, and an aerial photograph of the Property.
2. The Board found that the Office of Planning & Zoning received three letters in support of and no correspondence in opposition to the Application.
3. The Board found that Steve Baird was sworn in to testify about the Application.
4. The Board found that Mr. Baird testified that the request is for a pistol range to the rear of the lot. He will use the range for home defense and basic firearms training.
5. The Board found that Mr. Baird testified that he has received support from neighbors.
6. The Board found that Mr. Baird testified that he works a full-time job and will not open the range when he is working his other job as he does not want shooters on the lot if he is not present.
7. The Board found that Mr. Baird testified that his uncle owns the property adjacent to the rear of the lot and his uncle's property consists of 500 acres.
8. The Board found that Mr. Baird testified that the range will be 100 yards from the dwelling and some trees have been removed for the construction of the range.
9. The Board found that Mr. Baird testified that a berm will be located to the rear of the lot. The berm will be approximately 10 feet tall when complete.
10. The Board found that Mr. Baird testified that the range will be 25-30 yards long and will only be used for pistols.
11. The Board found that Mr. Baird testified that the range will be offered to officers to use during the week.
12. The Board found that Mr. Baird testified that he will clean all ammunition and casings from the range and the shells will be removed from the property and the lead will be undisturbed in the mound.
13. The Board found that Mr. Baird testified that, if the Property were ever sold, a soil analysis would be performed before any soil could be removed from the Property.
14. The Board found that Mr. Baird testified that DNREC has no concerns about lead contamination and does not require a permit.
15. The Board found that Mr. Baird testified that shots will be fired towards the rear of the lot.



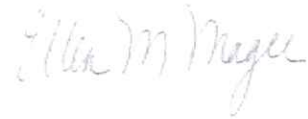
16. The Board found that Mr. Baird testified that there is at least 25 feet of trees behind the berm.
17. The Board found that Mr. Baird testified that he will not use the range during hunting season.
18. The Board found that Mr. Baird testified that he is licensed with United States Concealed Carry Association and is a Federal Firearms Licensee.
19. The Board found that Mr. Baird testified that the hours will be limited to Monday to Friday 5:30 pm – 6:00 pm and Saturday 3:00 pm – 6:00 pm. There will be no Sunday hours.
20. The Board found that Mr. Baird testified that he will provide classroom instruction in his garage as well.
21. The Board found that Mr. Baird testified that the range will be locked down if he is not present.
22. The Board found that Mr. Baird testified that there is no standing water on the property and there are no runoff issues.
23. The Board found that no one appeared in support of or opposition to the Application.
24. The Board voted to leave the record open for the limited purpose of obtaining comments from DNREC regarding the Application.
25. The Board received comments from DNREC and, on August 3, 2020, the Board discussed and voted on the Application.
26. 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 subject to certain conditions. The findings below further support the Board's decision to approve the Application for the special use exception with conditions.
  - a. The range will be located to the rear of the Property adjacent to 500 acres of family land. A large berm will be constructed between the range and the family land. There are trees behind the berm which should provide a noise and safety barrier.
  - b. The pistol lanes will shoot to the rear of the lot away from other residential properties.
  - c. The hours of operation are limited and number of shooters are also limited.
  - d. Only pistols will be used on the range.
  - e. The Applicant will clean all ammunition and casings from the range after use and he has consulted with DNREC regarding DNREC regulations.
  - f. No evidence was presented which would demonstrate that the facility would substantially affect adversely the uses of adjacent and neighboring properties.
  - g. There was no evidence, particularly expert testimony, reports, or studies, presented by the opposition that the facility would have a substantial adverse effect on property values in the neighborhood.
  - h. There was no evidence that the pistol range will have a substantial adverse effect on traffic, emissions, or noise.
  - i. The special use exception was approved for a period of five (5) years subject to the following conditions:
    - i. The pistol range must comply with all federal, state, and local regulations.

The Board granted the special use exception application for a period of five (5) years subject to conditions 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 with conditions for a period of five (5) years. The Board Members in favor of the Motion to approve with conditions were Mr. Brent Workman, Mr. John Williamson, Dr. Kevin Carson, and Ms. Ellen Magee. No Board Member voted against the Motion to approve the special use exception application with conditions. Mr. Jeffrey Chorman did not participate in the discussion or vote on this application.

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 October 19, 2020.