

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: PHILADELPHIA PENTECOSTAL CHURCH (Case No. 10966)

A hearing was held after due notice on April 16, 2012. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to operate a homeless shelter.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to operate a homeless shelter on certain real property located east of Road 213 (Old State Road) north of Pentecostal Street, being Lot 2 within Northwood Acres development; said property being identified as Sussex County Tax Map Parcel Number 2-30-31.00-66.00. After a hearing, the Board made the following findings of fact:

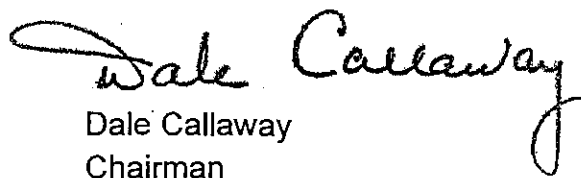
1. Bishop Major Foster and Vonda Deputy-Smith were present on behalf of the Applicant and testified on behalf of the Application.
2. The Board found that Bishop Foster and Ms. Deputy-Smith testified that the Board of Adjustment previously approved a prior application by the Applicant for this use on the Property in 2009.
3. The Board found that Bishop Foster and Ms. Deputy-Smith testified that they were not aware the prior approval had expired and that, since the approval was granted in 2009, the Applicant has obtained approvals from the Delaware Department of Natural Resources Control and the Fire Marshall for the construction of the shelter.
4. The Board found that Bishop Foster and Ms. Deputy-Smith testified that the Applicant currently has a nearby shelter for women and children.
5. The Board found that Bishop Foster and Ms. Deputy-Smith testified that the proposed shelter is for a combined population to be used for transitional housing where a resident to stay anywhere from thirty days (30) days to sixty (60) days.
6. The Board found that Bishop Foster and Ms. Deputy-Smith testified that in the current shelter residents can stay anywhere from nine (9) months to one (1) year.
7. The Board found that Bishop Foster and Ms. Deputy-Smith testified and that there are two (2) employees per shift and parking for up to eight (8) vehicles.
8. The Board found that Wayne Schuyler and Lori Schuyler testified in opposition to the Application. They testified that they live adjacent to the proposed shelter and that they were unaware of the prior application and approval for this use. They further testified that they were not aware of transitional housing in the area but that they had no problems with residents in the existing shelter. The Board found that the Schuylers testified that they have concerns about the proposed use.
9. The Board found that Bishop Major Foster testified that the Applicant owns all of the property surrounding the shelters.
10. The Board found that two (2) persons appeared in opposition of the Application.
11. The Board found that two (2) persons appeared in support of the Application.
12. Based on the findings above and the testimony presented at the public hearing, 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 Board granted the special use exception application finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


Dale Callaway
Chairman

If the use is not established within one (1)
year from the date below the application
becomes void.

Date May 8, 2012