

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: HOME DEPOT USA, INC. (Case No. 11043)

A hearing was held after due notice on September 10, 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 place a tent on the Applicant's property for a period of time exceeding the three (3) day maximum requirement and for a special use exception to hold its tent sale annually for five (5) years.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to place a tent on the Applicant's property for a period of time exceeding the three (3) day maximum requirement and for a special use exception to hold its tent sale annually for five (5) years on certain real property south of Route 1 (Coastal Highway) approximately 386 feet east of Road 276 (Shady Road); said property being identified as Sussex County Tax Map Parcel Number 3-34-6.00-526.00. After a hearing, the Board made the following findings of fact:

1. Edward Wade was present to testify on behalf of the Application.
2. The Board found that Mr. Wade testified that the Applicant operates a Home Depot store on the Property and seeks to hold an annual tent sale on the Property.
3. The Board found that Mr. Wade testified that the tent will be constructed in high quality and that the tent will be used starting the second Friday in September until the fourth Monday in October to be held annually for a period of five (5) years.
4. The Board found that Mr. Wade testified that the tent will be used for sales of high end designer rugs.
5. The Board found that Mr. Wade testified that the tent will be placed in front of the store.
6. The Board found that Mr. Wade testified that the use will not substantially affect adversely the uses of the adjacent and neighboring properties.
7. The Board found that Mr. Wade testified that the Applicant will have adequate parking available.
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 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 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 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

Dale Callaway
Chairman

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

Date September 25, 2012