

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MARK CATHELL / CREATE 1 DREAM FOUNDATION

(Case No. 11081)

A hearing was held after due notice on October 15, 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 for outdoor display or promotional activity.

Findings of Fact

The Board found that the Applicant was seeking a special use exception for outdoor display or promotional activity. The Applicant has requested that the aforementioned requested special use exception be granted as it pertains to certain real property located west of Route 13, 3,800 feet north of Route 54; said property being identified as Sussex County Tax Map Parcel Number 5-32-20.00-83.01. After a hearing, the Board made the following findings of fact:

1. Mark Cathell was sworn in and testified on behalf of the Application.
2. Blake Carey, Esquire, appeared on behalf of the Applicant.
3. The Board found that Mr. Carey stated that the Applicant is requesting a special use for an outdoor display.
4. The Board found that Mr. Carey submitted exhibits to the Board and stated that the outdoor display will be a Christmas light display similar to the Ocean City Festival of Lights.
5. The Board found that Mr. Carey stated that the dates of the event will be November 15th thru December 23rd, and December 25th thru January 5th.
6. The Board found that Mr. Carey stated that the hours of operation will be weekdays 6:00 p.m. to 10:00 p.m. and on weekends from 6:00 p.m. to 11:00 p.m.
7. The Board found that Mr. Carey stated that the Property is also used as the US 13 Dragway and DE International Speedway so the proposed use will not substantially adversely affect the surrounding properties.
8. The Board found that Mr. Carey stated that the Applicant requests the approval for a period of five (5) years.
9. The Board found that Mr. Carey stated that surrounding properties are commercially zoned.
10. The Board found that Mr. Cathell, under oath, affirmed the statements of Mr. Carey.
11. The Board found that Mr. Cathell testified that props will be built on site and judged and the prize money will be used as a fundraiser for non-profit organizations.
12. The Board found that Mr. Cathell testified that volunteers will help staff the event.
13. The Board found that Mr. Cathell testified that the money generated will be used to provide grants and scholarships within the community.
14. The Board found that Mr. Cathell testified that the existing buildings will be used to create the scenes.
15. The Board found that Mr. Cathell testified that visitors will use the existing roadways and parking areas.
16. The Board found that Mr. Cathell testified that the visitors will drive their own vehicles through the two (2) mile tour.

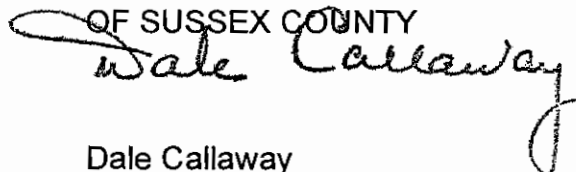
17. The Board found that Mr. Cathell testified that there will be shops, concession and Santa visits at the end of the tour.
18. The Board found that Mr. Cathell testified that the Applicant currently has signed a three (3) year lease with the property owner with a five (5) year option.
19. The Board found that Mr. Cathell testified that the Applicant plans to open November 15, 2012.
20. The Board found that no parties appeared in opposition to the Application.
21. The Board found that twenty (20) parties appeared in support of the Application.
22. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a special use exception. The proposed use does not substantially affect adversely the uses of the adjacent and neighboring properties.

The Board approved the special use exception application finding that it met the standards for granting a special use exception. The approval is granted for a period of five (5) years.

Decision of the Board

Upon motion duly made and seconded, the Application was approved. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Norman Rickard. No Member voted against the Motion to Approve 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 November 7, 2012