

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

**IN RE: CMF BAYSIDE, LLC**

**(Case No. 11220)**

A hearing was held after due notice on June 17, 2013. 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 use a manufactured home type structure as a temporary welcome center for a period of five (5) years.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to use a manufactured home type structure as a temporary welcome center for a period of five (5) years. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located Americana Parkway and south of Signature Boulevard, approximately 900 feet south of the intersection of Route 54 and Route 20 (Zion Church Road); said property being identified as Sussex County Tax Map Parcel Number 5-33-19.00-880.00). After a hearing, the Board made the following findings of fact:

1. Douglas Brown and James Willey, Jr., were sworn in to testify about the Application.
2. James Fuqua, Esquire, presented the case to the Board on behalf of the Applicant.
3. The Board found that Mr. Fuqua submitted exhibits for the Board to review.
4. The Board found that Mr. Fuqua stated that the Applicant is requesting a special use exception to use a manufactured home type structure as a temporary welcome center / sales center for a period of five (5) years.
5. The Board found that Mr. Fuqua stated that the unit would be used for the Americana Bayside development.
6. The Board found that Mr. Fuqua stated that the Applicant was previously using a manufactured home type structure for this use on a property located on Route 54 owned by the Applicant and that the Applicant obtained a special use exception for that location.
7. The Board found that Mr. Fuqua stated that the current location of the welcome center is being developed for commercial use.
8. The Board found that Mr. Fuqua stated that the Applicant intends to move two (2) of the existing units to the Property for the welcome center / sales center.
9. The Board found that Mr. Fuqua stated that the development is over fifty percent (50%) developed.
10. The Board found that Mr. Fuqua stated that the center would be relocated to property within Americana Bayside on an area where a carousel was previously located.
11. The Board found that Mr. Fuqua stated that the proposed location is commercial property and has adequate parking available; that the unit has an attractive appearance.
12. The Board found that Mr. Fuqua stated that the Applicant plans to build a permanent welcome center near the site within the next five (5) years.
13. The Board found that Mr. Fuqua stated that the use will not substantially adversely affect the surrounding or adjacent properties because the Property is surrounded by parking areas and commercial lands owned by the Applicant.
14. The Board found that Mr. Brown, under oath, confirmed the statements made by Mr. Fuqua.

15. The Board found that Mr. Brown testified that the unit is approximately ten (10) to fifteen (15) years old.
16. The Board found that no parties appeared in support of or in opposition to the Application.
17. 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 because the proposed use will not substantially affect adversely the uses of neighboring and adjacent properties. The parking for the proposed welcome center / sales center is also sufficient. The use was approved for a period of five (5) years.

The Board approved 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 approved. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard and Mr. Brent Workman. 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 July 16, 2013