

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

**IN RE: BO BILOBRAN & MICHAEL MOUTZALIAS**

**(Case No. 11352)**

A hearing was held after due notice on March 24, 2014. 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 a produce stand for a period of five (5) years.

Findings of Fact

The Board found that the Applicant was seeking a special use exception for a produce stand for a period of five (5) years. This application pertains to certain real property located west of Coastal Highway and south of Bay Berry Road in Middlesex Beach, Delaware; said property being identified as Sussex County Tax Map Parcel Number 1-34-17.16-47.00. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received one letter regarding to the Application and that other letters of support were previously submitted with the Application.
2. Steven Bilobran was sworn in to testify about the Application.
3. The Board found that Mr. Bilobran testified that last year the Board approved the produce stand for a period of one (1) year.
4. The Board found that Mr. Bilobran testified that after meeting with the neighbors regarding any concerns this year the Applicants plan to create a walkway behind the parking lot.
5. The Board found that Mr. Bilobran testified that the stand will be moved further into the lot and will still meet setback requirements.
6. The Board found that Mr. Bilobran testified that the parking area has been in place for thirty (30) years.
7. The Board found that Mr. Bilobran testified that there were no problems with the parking and traffic last year.
8. The Board found that Mr. Bilobran testified that most traffic to the stand is pedestrian and bike traffic.
9. The Board found that Mr. Bilobran testified that the trash is removed daily.
10. The Board found that Mr. Bilobran testified that the structures can be removed quickly in case of inclement weather.
11. The Board found that Mr. Bilobran testified that they plan to have a small shed placed on the Property for additional storage.
12. The Board found that Mr. Bilobran testified that the use has not substantially adversely affected the surrounding or adjacent properties.
13. The Board found that one (1) party appeared in support of the Application.
14. The Board found that no parties appeared in opposition to the Application.
15. 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 standard for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the special use exception application was approved for a period of five (5) years. 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 Motion to approve the special use exception 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 6, 2014