

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SPORTS AT THE BEACH

(Case No. 11567)

A hearing was held after due notice on May 4, 2015. 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 an outdoor display or promotional activity.

Findings of Fact

The Board found that the Applicant is requesting a special use exception for an outdoor display or promotional activity. This application pertains to certain real property located south of Route 18 (Lewes Georgetown Highway), approximately 2,300 feet west of Route 321 (Park Avenue) (911 Address: 22518 Lewes Georgetown Highway, Georgetown); said property being identified as Sussex County Tax Map Parcel Number 1-35-15.00-82.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a letter dated March 2, 2015, from Lawrence Lank to the Applicant, a portion of the tax map of the area, and a portion of the Sussex County Zoning Code.
2. The Board found that the Office of Planning and Zoning received no letters in support of or in opposition to the Application.
3. The Board found that Pete Townsend was sworn in and testified regarding the Application.
4. The Board found that Mr. Townsend testified that he is seeking a renewal of the original special use exception that was approved five (5) years ago.
5. The Board found that Mr. Townsend testified that an annual Halloween event is held on this property and he seeks approval to continue this use. The original special use exception included a Christmas light display but the Christmas light display was never executed and will not be included in this request.
6. The Board found that Mr. Townsend testified that he has received no complaints about the Halloween event.
7. The Board found that Mr. Townsend testified that the annual Halloween event is held for fifteen (15) days during the Halloween season as approved by the State on weekends.
8. The Board found that Mr. Townsend testified that the existing village is used during baseball season from March to November.
9. The Board found that Mr. Townsend testified that the use has not adversely affected the surrounding and adjacent properties.
10. The Board found that Mr. Townsend testified that he is seeking approval for five (5) years.
11. The Board found that Margaret Alves was sworn in and testified that the Property is well-kept and that children play baseball there. She has no objection to the Application.
12. The Board found that no parties appeared in support of or in opposition to the Application.
13. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive and un rebutted, the Board determined that the application met the standards for granting a special use exception because the proposed outdoor display or

promotional activity will not substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to approve the Application.

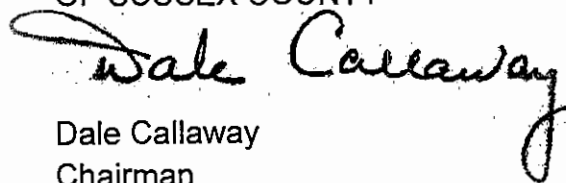
- a. The Property is located outside of Georgetown along Georgetown-Lewes Highway and is used for baseball fields during the months of March through November. The Applicant maintains a village on the Property for use by baseball teams. The tax map provided to the Board demonstrates that the Property is very large.
- b. In 2010, the Applicant received approval for a special use exception to use the Property for an annual Halloween event and Christmas light display which use the village area. The Halloween event has been used for approximately 15 days per Halloween season; primarily on weekends. The Christmas display was never used.
- c. The Applicant has demonstrated that the Halloween event has not substantially affected adversely the uses of neighboring and adjacent properties. The Applicant testified that he has not received any complaints about the event and no evidence was presented which would demonstrate that the event has had a substantial adverse effect on neighboring and adjacent properties. Ms. Alves testified that the Property is well-kept and that she does not object to the Application.
- d. Per the Applicant's request, the Board approved the special use exception for a period of five (5) years.

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 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 June 9, 2014