

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

**IN RE: FURNITURE AND MORE**

**(Case No. 11748)**

A hearing was held after due notice on April 4, 2016. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Jeff Hudson, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception for tents for a special purpose exceeding three (3) days.

Findings of Fact

The Board found that the Applicant is requesting a special use exception for tents for a special purpose exceeding three (3) days. This application pertains to certain real property located on northeast corner of Coastal Highway and Munchy Branch Road (911 Address: 19287 Coastal Highway, Lewes); said property being identified as Sussex County Tax Map Parcel Number 3-34-13.00-325.04. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a copy of the Findings of Fact for Case No. 10739-2010, a survey of the Property dated May 19, 2010, a letter from Lawrence Lank to the Applicant, and a portion of the tax map of the area.
2. The Board found that the Office of Planning and Zoning received one letter in opposition to the Application and no letters in support of the Application.
3. The Board found that Deborah Thompson was sworn in and testified regarding the Application.
4. The Board found that Ms. Thompson testified that the Applicant was previously approved for this use in 2010. The tent will be located in the same location and used during the same dates as previously approved.
5. The Board found that Ms. Thompson testified that the tents are used during Memorial Day and Labor Day Weekends. The tent will be erected seven (7) days prior to Memorial Day Weekend and Labor Day Weekend and will be removed seven (7) days after the stated weekends.
6. The Board found that Ms. Thompson testified that there will be no change in the use of the tents.
7. The Board found that Ms. Thompson testified that there have been no complaints in the last five (5) years.
8. The Board found that Ms. Thompson testified that the tent will be solely for retail purposes.
9. The Board found that Ms. Thompson testified that there is adequate parking available during the time the tent is used.
10. The Board found that Ms. Thompson testified that there is no additional signage on the tent or the Property.
11. The Board found that Ms. Thompson testified that the location of the tent does not block any other businesses or signage.
12. The Board found that Ms. Thompson testified that the use has not and will not substantially adversely affect the uses of the neighboring and adjacent properties.
13. The Board found that Michael Vasilikos was sworn in to testify about the Application. Craig Aleman, Esquire, represented Mr. Vasilikos and stated that, since the request is the same as the prior approval, his client has no opposition

to the Application. Mr. Aleman previously submitted a letter opposing the request but withdrew this opposition.

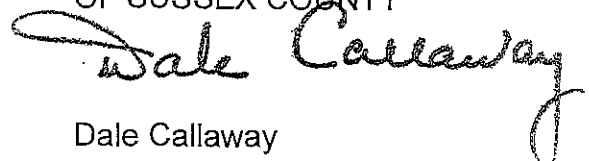
14. The Board found that no parties appeared in support of or in opposition to the Application.
15. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive and un rebutted, the Board determined that the application met the standards for granting a special use exception because the tent 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 Applicant owns a furniture retail store and wishes to hold tent sales during Memorial Day and Labor Day weekends. The Applicant has held such sales on the Property for the past five years.
  - b. The Applicant intends to erect the tent seven (7) days before and seven (7) days after each of those holiday weekends on an annual basis.
  - c. The Applicant has used the tent for a special purpose in the same location for the same period of time as proposed for each of the past five years and the Applicant has not received any complaints related to the tent.
  - d. A neighbor who previously had concerns about the tent withdrew its objection after hearing the Applicant's testimony and reviewing the record.
  - e. The tent will not block the visibility of any neighboring businesses or signs.
  - f. The Applicant will still have adequate parking even with the tent in place.
  - g. The tent will be used only on a temporary basis during limited times of the year.
  - h. The approval is conditioned on the following:
    - i. The tent shall be no larger than 30 feet by 60 feet in size.
    - ii. The tent shall be placed on the south side of the building on the Property as shown on the survey dated May 19, 2010, submitted by the Applicant.
    - iii. The approval is valid for a period of five (5) years.

The Board granted the special use exception application for a period of five (5) years with conditions 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 with conditions 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 with conditions.

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 17, 2016