

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

**IN RE: SAUL HOLDINGS LIMITED PARTNERSHIP**

**(Case No. 11774)**

A hearing was held after due notice on May 16, 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 an outdoor display or promotional activity.

Findings of Fact

The Board found that the Applicants are requesting a special use exception for an outdoor display or promotional activity. This application pertains to certain real property located on the northwest corner of West Way Drive and Coastal Highway (911 Address: None Available); said property being identified as Sussex County Tax Map Parcel Number 1-34-17.00-52.08. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a drawing of the Marketplace at Sea Colony, an aerial photograph of the area, a portion of the tax map of the area, a letter dated March 14, 2016 from Lynn Phillips, a letter dated March 18, 2016, from Claudia Thayne, a letter dated March 16, 2016, from David Smith, and an email dated March 30, 2016, from Kirstie DuBois.
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 Carrie Bennett was sworn in and testified regarding the Application.
4. The Board found that Ms. Bennett testified that she represents a group of farmers who sell produce and agricultural products at the Sea Colony Farmer's Market. The farmer's market was approved for a special use exception in 2011 for this site.
5. The Board found that Ms. Bennett testified that the market has been very successful and the farmers sell only local fruit, vegetables, flowers, and plants at the market.
6. The Board found that Ms. Bennett testified that the property owner and stores in the center are very pleased with the farmer's market.
7. The Board found that Ms. Bennett testified that the market operates every Wednesday morning during the months of June, July, and August.
8. The Board found that Ms. Bennett testified that the market will operate for twelve (12) weeks total. In previous years, the market only operated for ten (10) weeks.
9. The Board found that Ms. Bennett testified that there are twelve (12) vendors, adequate parking, and the market is accessible to pedestrians. There is no alcohol or flea market type items sold here.
10. The Board found that Ms. Bennett testified that neighbors support the Application and the market has helped neighboring businesses.
11. The Board found that Ms. Bennett testified that the use for the past five (5) years has not substantially adversely affected the uses of the neighboring and adjacent properties and that the Applicant is requesting approval for another five (5) year period.
12. The Board found that no parties appeared in support of or in opposition to the Application.

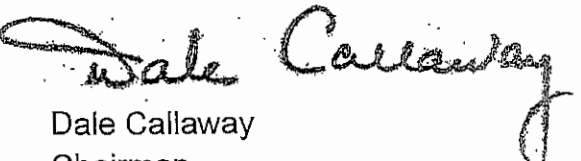
13. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive and un rebutted, the Board determined that the application met the standards for granting a special use exception because the proposed outdoor 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. In 2011, the Applicant received approval for a special use exception to use the Property for a farmer's market on ten (10) Wednesdays during the months of June, July, and August. This approval was for a period of five (5) years.
  - b. The Applicant proposes to renew its approval for a farmer's market which will operate on twelve (12) Wednesdays in June, July, and August. Farmers sell flowers, plants, and produce.
  - c. The Property is a large property with ample parking and other commercial businesses located thereon. There was no evidence presented which indicates that the market has caused any traffic or parking problems during the time of its operation.
  - d. The Applicant has demonstrated that the farmer's market has not substantially affected adversely the uses of neighboring and adjacent properties. The Applicant testified that she has not received any complaints about the event and no evidence was presented which would demonstrate that the farmer's market has had a substantial adverse effect on neighboring and adjacent properties. Ms. Bennett testified that neighboring businesses support the market and the market has brought customers to those businesses. The Board finds this testimony credible and persuasive. Based on this finding, the market appears to have had a positive effect on neighboring and adjacent properties.
  - e. Per the Applicant's request, the Board approved the special use exception for the farmer's market on Wednesdays for twelve (12) weeks in June, July, and August, 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 July 13, 2016