

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

**IN RE: VILLAGE OF FIVE POINTS VENTURES, LLC**

**(Case No. 11933)**

A hearing was held after due notice on March 20, 2017. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to place a tent for special purposes.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to place a tent for more than three days for special events. This application pertains to certain real property located on the northwest corner of Route 18 and Road 269A (911 Address: 17252 North Village Main Boulevard, Lewes); said property being identified as Sussex County Tax Map Parcel Number 3-35-12.00-1.01. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Steve Rayburn was sworn in and testified regarding the Application.
4. The Board found that Mr. Rayburn testified that he is the store manager for Weis Markets in Lewes and the Applicant proposes to use a tent for special events in the summer months.
5. The Board found that Mr. Rayburn testified that the goal is to bring the community together. The Applicant wants to be involved in the community with the fire company and local charities.
6. The Board found that Mr. Rayburn testified that tent will be used for a period of one month from June 15 to July 15 and the tent will provide the sale of summer merchandise such as beach towels, flowers, and water.
7. The Board found that Mr. Rayburn testified that a pharmacy is being placed in the front of the store so the Applicant will be losing some space inside the store for merchandising of these items.
8. The Board found that Mr. Rayburn testified that the tent will not substantially affect adversely the uses of neighboring and adjacent properties.
9. The Board found that Mr. Rayburn testified that the proposed tent will not block any property or local residence views.
10. The Board found that Mr. Rayburn testified that the proposed tent will be located in the parking lot closer to Savannah Road and Old Orchard Road intersection. The proposed tent will be directly across from a beer distributor.
11. The Board found that Mr. Rayburn testified that the tent will not take up many parking spaces as the proposed tent is 40 feet by 40 feet in size.
12. The Board found that Mr. Rayburn testified that that the tent will not adversely affect parking on the Property even during peak business hours.
13. The Board found that no parties appeared in support of or in opposition to the Application.
14. 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 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.

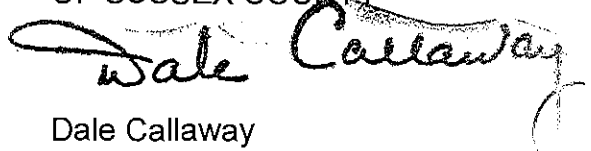
- a. The Property is used for a grocery store and the Applicant proposes to use a portion of its parking lot for a sales tent from June 15 to July 15 each year. The tent will sell summer merchandise and will be located in the parking lot near the intersection of Old Orchard Road and Savannah Road.
- b. The Property is a reasonably sized lot and the Applicant has testified that the tent will not adversely affect parking in the area.
- c. The tent will be located away from other businesses and residences and will not block views of those businesses or properties.
- d. No evidence was presented which would demonstrate that the tent will have a substantial adverse effect on neighboring and adjacent properties.
- e. The special use exception was approved for a period of five (5) years with the condition that tent only be used from June 15 to July 15 each year.

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 for a period of five (5) years with conditions. The Board Members in favor were Mr. Dale Callaway, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve the special use exception application. Mr. Jeff Hudson did not participate in the discussion or vote on this 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 2, 2017