

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: FAITH UNITED METHODIST CHURCH, INC.

(Case No. 11961)

A hearing was held after due notice on May 19, 2017. 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 to operate a homeless shelter.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to operate a homeless shelter. This application pertains to certain real property located on the southeast corner of Lewes-Georgetown Highway (Route 9 / 404) at the intersection with Church Street. (911 address: 19940 Church Street, Lewes). Zoning District: AR-1. Tax Map No.: 3-34-5.00-215.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a survey of the Property dated December 17, 2014, a portion of the tax map of the area, an aerial photograph of the Property, and correspondence pertaining to the Application.
2. The Board found that the Office of Planning and Zoning received six (6) letters in support and thirty-six (36) letters in opposition to the Application.
3. The Board found that David Hutt, Esquire, presented the case on behalf of Immanuel Shelter and submitted exhibits for the Board to review.
4. The Board found that Mr. Hutt stated that he represents Immanuel Shelter, who is the Applicant. Faith United Methodist Church owns the Property and the Applicant has a contract to purchase the Property.
5. The Board found that Mr. Hutt stated that the Property, which is divided by Church Street, is located near the Five Points intersection and has been used historically for a church in Belltown.
6. The Board found that Mr. Hutt stated that homelessness is a nationwide issue not unique to Delaware and is a difficult subject to discuss. He cited that, in 2015-2016, Delaware had the third highest percentage increase in homelessness at 12%.
7. The Board found that Mr. Hutt stated that Immanuel Shelter was created as a non-profit organization to help homeless persons in the Rehoboth Beach – Lewes – Dewey Beach area and the Applicant already operates a Code Purple shelter in the area.
8. The Board found that Mr. Hutt stated that, when the Code Purple shelter is full, the Applicant assists finding homeless persons rooms in hotels.
9. The Board found that Mr. Hutt stated that a church has been located on the Property for many years. The Applicant proposes to refurbish the existing church and add a dwelling that will house 18-24 people.
10. The Board found that Mr. Hutt stated that the proposed improvements would enhance the appearance of the Property.
11. The Board found that Mr. Hutt stated that the site is located in an "area of opportunity" as designated by the Delaware State Housing Authority.
12. The Board found that Mr. Hutt stated that the Belltown community is located near the site and the surrounding areas are zoned AR-1, MR, and C-1 with mixed uses. Ace Hardware, Henlopen Landing, Lewes Crossing, Lowe's, Home Depot, a park-and-ride facility, and the Villages of Five Points are located nearby. A power

station is also located nearby and Stockley Materials has been approved to move its business near the site. Henlopen Landing and Lewes Landing are residential communities. Henlopen Landing is built-out or nearly built-out and Lewes Landing is still being developed.

13. The Board found that Mr. Hutt stated that a nearby property to the south recently had a manufactured home removed.
14. The Board found that Mr. Hutt stated that the uses of the neighboring properties will not change if the homeless shelter is allowed to operate on the Property.
15. The Board found that Glenn Piper was sworn in and testified that he has been an appraiser in Sussex County for 24 years. He is familiar with the Property and surrounding properties. He has lived in Lewes for 25 years and regularly passes by the Property.
16. The Board found that Mr. Piper testified that the proposed use of the Property as a homeless shelter will not have a substantial adverse impact on the values of neighboring and adjacent properties.
17. The Board found that Mr. Piper testified that there are too many other negative influences already existing in the area which would make it difficult to determine that the homeless shelter will negatively impact area property values. He noted that traffic is an issue in the area and the neighborhood is blighted or semi-blighted.
18. The Board found that Mr. Piper testified that the west side of Route 9 is largely zoned commercial with residential lots scattered throughout the area.
19. The Board found that Mr. Piper testified that there is no statistical data to prove the proposed shelter would affect the property values of surrounding residential neighborhoods. He believes that the proposed shelter will have no impact on the property values in Henlopen Landing.
20. The Board found that Mr. Piper testified that there are other factors in the neighborhood which may affect property values such as traffic in the area or the Belltown community.
21. The Board found that Mr. Piper testified that he has reviewed national studies regarding homeless shelters but the studies involved sites which were not comparable to the instant situation.
22. The Board found that Mr. Piper testified that he does not believe that the existence of the homeless shelter would have any impact on property values in the neighborhood.
23. The Board found that Mr. Hutt stated that the Applicant submitted a Service Level Evaluation to the Delaware Department of Transportation ("DelDOT") and that DelDOT found that no impact study is required because the proposed use would not generate enough traffic to warrant a traffic impact study.
24. The Board found that Mr. Hutt stated that the location is ideal because of its close proximity to public transportation. A DART bus stop is located nearby and the proximity to public transportation is important because it is unlikely that the residents of the shelter will have their own means of transportation.
25. The Board found that Mr. Hutt stated that the site was approved for a brew-pub restaurant last year and the traffic to be generated by a brew-pub restaurant would be greater than the traffic generated by the proposed shelter. He noted that traffic associated with the shelter will be light.
26. The Board found that Mr. Hutt stated that the opposition presented concerns about the types of individuals being admitted to the shelter but the Applicant has detailed in-take procedures and house rules for the shelter.
27. The Board found that Janet Idema was sworn in and testified that she is the President of the Board of Directors for Immanuel Shelter. She has been in this position for 7 years. She was previously a psychiatric nurse and served as the Director of Nursing at a psychiatric facility in New York.

28. The Board found that Ms. Idema testified that the Code Purple shelter is available in the winter and the individuals are allowed at the Code Purple shelter for one overnight stay. Individuals are required to be sober in order to stay at the Code Purple shelter. A large number of persons seen at the shelter are between the ages of 59 and 79 and have medical issues.
29. The Board found that Ms. Idema testified that the Code Purple shelter has been in operation for the last seven years and refuses level 2 and level 3 sex offenders. The Code Purple shelter allows for walk in traffic.
30. The Board found that Ms. Idema testified that the Code Purple shelter has resulted in 23 individuals finding jobs and 17 individuals finding housing.
31. The Board found that Ms. Idema testified that an emergency shelter is different from a Code Purple shelter and is for individuals who are homeless and seeking support. An emergency shelter is designed to give homeless persons a chance to get back on their feet.
32. The Board found that Ms. Idema testified that all residents of the homeless shelter will be screened through the Delaware State Police Troop 7 and a majority of the individuals requesting a stay in the proposed shelter will call into the State hotline or the shelter itself in order to start the in-take process. The screening process takes approximately 24 hours. The shelter will not admit convicted felons. The proposed shelter's process is consistent with an existing shelter located in Georgetown. It is not typical for a shelter to have walk up traffic because of the screening process.
33. The Board found that Ms. Idema testified that the individuals are required to perform chores, go to work, participate in group help, and participate in training programs. There will be a 30/60/90 day stay policy which is dependent on the individual's participation and progress.
34. The Board found that Ms. Idema testified that Sussex County has an existing homeless problem and the shelter's intent is to give individuals time and safety away from trauma.
35. The Board found that Mr. Hutt stated that the shelter is a residential use in an area of mixed use (commercial and residential) and the shelter will not have a negative impact on the appearance or value of the neighborhood.
36. The Board found that Mr. Hutt stated that the proposed shelter has a distinct vetting process.
37. The Board found that Mr. Hutt stated that the shelter will not substantially affect adversely the uses of neighboring and adjacent properties.
38. The Board found that Ms. Idema testified that the shelter will have parking for staff and volunteers. Volunteers typically visit the shelter in the evening to deliver meals.
39. The Board found that Ms. Idema testified that the church will consist of a chapel, meeting room, and kitchen.
40. The Board found that James Martin, Tina Showalter, Jeron Duffy, Philip Franz, Cathy Hughes, Max Wolf, and Reverend Raymond Duffy were sworn in to testify in favor of the Application.
41. The Board found that Ms. Showalter testified that she is part of Housing Alliance Delaware and she previously spent 27 years serving as a prosecutor with the Department of Justice.
42. The Board found that Ms. Showalter testified that individuals in homeless shelters do not pose a substantial or significant public safety risk and that, more often than not, individuals in homeless shelters were the victims of crime.
43. The Board found that Ms. Showalter testified that the homeless shelter system is regulated by HUD procedures.
44. The Board found that Ms. Showalter testified that the homeless population in the Sussex County increased in the past year and that the homeless are already in

- our community. Delaware has the third highest homeless rate per capita in the country.
45. The Board found that Ms. Showalter testified that, once an individual enters a homeless shelter, the individual starts to receive services and access to programs and these programs assist the individuals in obtaining jobs and permanent housing.
 46. The Board found that Mr. Martin testified that he operates a similar facility in Seaford which is adjacent to the Seaford Christian Academy and there have been no incidents with residents of the shelter and the school. His shelter does not vet its residents.
 47. The Board found that Mr. Martin testified that those homeless individuals are reaching out and are looking for aid to better their lives. He estimates that there are over 600 homeless individuals in Sussex County and Delaware has a lack of affordable housing.
 48. The Board found that Mr. Franz testified that he is an architect and the president of Preservation Delaware whose goal is to preserve historic buildings.
 49. The Board found that Mr. Franz testified that the Belltown Church was built in 1942 which is the current structure on the Property.
 50. The Board found that Mr. Franz testified that he would like to preserve the church and that a shelter is an ideal way to preserve the historic building of Belltown Church.
 51. The Board found that Mr. Franz testified that the area is not a "beautiful" area and the refurbished church will add to the aesthetics.
 52. The Board found that Mr. Wolf testified that he was president of the Lewes-Rehoboth Association of Churches and homeless individuals come to the All Saints Church in Rehoboth for meals and the treatment of the individuals by the parishioners has been helpful.
 53. The Board found that Mr. Wolf testified that the homeless shelter will improve the area.
 54. The Board found that Mr. Wolf testified that he believes we treat our homeless animals better than homeless persons.
 55. The Board found that Mr. Duffy testified that he is the chairman of the Board of Trustees for Faith United Methodist Church. Faith United Methodist Church owns another property and entered into an agreement with the Applicant for use of the Code Purple shelter but that property is only available to the Applicant for part of the year. Faith United Methodist Church owns the Property, which is vacant, and has entered into an agreement with the Applicant to use the Property for the homeless shelter year-round.
 56. The Board found that Ms. Hughes testified that she is a volunteer with the Applicant and lives in the area.
 57. The Board found that Ms. Hughes testified that there are many homeless persons in the area.
 58. The Board found that Ms. Hughes testified that that Belltown has many blighted homes and the shelter will be an improvement to the area.
 59. The Board found that Rev. Duffy testified that he supports the Application and that the shelter will preserve the integrity of the history of the Belltown community.
 60. The Board found that Ken Bartholomew, Margaret St. Jean, Kim Bartholomew, Bo Ford, George Ellis, Carmine Castorina, Doug Elliot, Christina Lenz, Jeffrey Gross, George Ladny, Edward Sutton, Ron Dimaulo, Craig Wello, Tom Windell, Robert Steinback, and John Geesik were sworn in to testify in opposition to the Application. Most of these individuals live in Henlopen Landing.
 61. The Board found that Mr. Bartholomew testified that the residents of the shelter can easily access Henlopen Landing. He is concerned about the effect of the shelter on the value of his property. He also believes that crime will increase in

- the neighborhood. He does not fear the residents walking the streets but others in opposition have that fear.
62. The Board found that Mr. Bartholomew testified that he does not think there is enough room on the Property for the house, church, and cars.
 63. The Board found that Mr. Bartholomew testified that he disputes that the area is commercial.
 64. The Board found that Mr. Bartholomew testified that the bus stop is located nearby but a bus will not be able to safely access the Property.
 65. The Board found that Mr. Bartholomew testified that the neighborhood has problems with traffic cutting through the area.
 66. The Board found that Mr. Bartholomew testified that he does not support the Application.
 67. The Board found that Mr. Bartholomew testified that schools are located within a mile of the site.
 68. The Board found that Ms. St. Jean testified that she has 14 grandchildren and is concerned about the shelter because the young children will follow anyone.
 69. The Board found that Ms. St. Jean testified that she worked in a psychiatric hospital and she does not want the shelter in her neighborhood.
 70. The Board found that Ms. Bartholomew testified that she and her daughter are very scared about the shelter and she does not want this facility near her home or its residents walking in the neighborhood. She has no faith in the people who will live in the shelter.
 71. The Board found that Ms. Bartholomew testified that the area is congested.
 72. The Board found that Mr. Castorina testified that the area is not a good-looking area.
 73. The Board found that Mr. Castorina testified that he moved to Delaware from New York and is concerned about the shelter and that his nest egg is invested in his home.
 74. The Board found that Mr. Elliott testified that he is concerned about the safety related to the shelter because the traffic near the Property is dangerous as cars cut through the area on their way to the beach.
 75. The Board found that Mr. Elliott testified that we need more homeless shelters but the location is a poor location for the shelter.
 76. The Board found that Ms. Lenz testified that she recently moved to the area from northern New Jersey. She does not believe that the shelter residents will wander through her neighborhood and trespass onto her property but she does not think that the Henlopen Landing community has been appropriately considered by the Applicant.
 77. The Board found that Ms. Lenz testified that there are over 20 elementary school aged children who live nearby and that the location for the shelter is not appropriate.
 78. The Board found that Ms. Lenz testified that her community is not gated and Salt Marsh Road is a private road for public use. Salt Marsh Road cuts through to Plantation Road. The community has issues with law enforcement and DeIDOT maintaining Salt Marsh Road and enforcing traffic laws in the area.
 79. The Board found that Mr. Ford testified that he is a retired state police officer and worked at the State Bureau of Identification and that the only way to properly vet an individual is through fingerprint identification and he questions the vetting process.
 80. The Board found that Mr. Ladny testified that he questions whether the Applicant can even obtain legal authority to obtain the special use exception.
 81. The Board found that Mr. Ladny testified that there are 2,278 homeless persons in Delaware but only 226 are located in Sussex County.

82. The Board found that Mr. Ladny testified that there are clearly homeless persons in the area but he does not believe the Property is the best location for a homeless shelter. He said that the Applicant did not show that it looked for other properties for the shelter.
83. The Board found that Mr. Gross testified that studies on Realtor.com show that properties within a certain distance from a homeless shelter have a 12.7% decrease in property value.
84. The Board found that Mr. Gross testified that there are no sidewalks on the Property and the lack of sidewalks is a safety issue. The nearby roads are very busy.
85. The Board found that Mr. Gross testified that the shelter will tax emergency services and the success rate for the shelter is poor. He also questions the need for the shelter.
86. The Board found that Mr. Sutton testified that there are no sidewalks or crosswalks leading to the bus stop and the Property is not a suitable location for the shelter. He does not believe that there is a safe way to access the Property from population centers.
87. The Board found that Mr. Dimaulo testified that junkies used to hang out at the church at all hours. He believes the site could serve as a temptation for drug users.
88. The Board found that Mr. Ellis testified that the cut-through road through Henlopen Landing has gained popularity and he suspects that DART busses will likely use the cut-through as well.
89. The Board found that Mr. Ellis testified that he does not believe that the Property is the best location for a homeless shelter.
90. The Board found that Mr. Ellis and Mr. Wello testified that Section 8 housing is located nearby.
91. The Board found that Mr. Ellis testified that Henlopen Landing has already suffered an adverse effect from nearby uses and that, to approve the shelter, would only add to the hardship experienced by Henlopen Landing.
92. The Board found that Mr. Wello testified that homeless shelters attract other bad elements and the shelter will destroy the character of the neighborhood.
93. The Board found that Mr. Wello testified that traffic is a problem in the neighborhood and he anticipates that the shelter will increase foot traffic in the area as well.
94. The Board found that Mr. Wello testified that he believes the shelter will impact property values and he has safety concerns. He has no problem with the church being on the Property.
95. The Board found that Mr. Wendell testified that he is not concerned about the effect of the shelter on property values. His main concern is with the security of the shelter.
96. The Board found that Mr. Wendell testified that the five (5) main causes of homelessness are 1) domestic violence, 2) drug / alcohol abuse, 3) job loss, 4) mental illness, and 5) family calamity.
97. The Board found that Mr. Wendell testified that many nearby homes are vacation homes and are vacant much of the year.
98. The Board found that Mr. Wendell testified that there are no sidewalks on the Property.
99. The Board found that Mr. Wendell testified that he is concerned with persons visiting the shelter or those individuals who are not successfully discharged from the shelter.
100. The Board found that Mr. Steinback testified that he is slightly concerned about his property values. He believes that a decline of property values will impact the tax base.

101. The Board found that Mr. Steinback testified that the location is a poor site for the shelter.
102. The Board found that Mr. Steinback testified that the safety of children is important.
103. The Board found that Mr. Geesik testified that he agrees with the other members of the opposition.
104. The Board found that Mr. Geesik testified that he is concerned with the security of the shelter and he questions the staffing of the shelter.
105. The Board found that Mr. Hutt stated that, while the opposition stated that they believed their property values would be affected by the shelter, the only testimony presented by a Delaware-certified appraiser evidenced that the shelter will not have a negative impact on nearby property values, including the property values of Henlopen Landing.
106. The Board found that Mr. Hutt stated that the Applicant's goal is to house 18-24 individuals and the residents will be vetted through fingerprint identification.
107. The Board found that Mr. Hutt stated that the shelter will not be taxpayer-funded.
108. The Board found that Mr. Hutt stated that the bus stop locations were chosen by DelDOT and DART and it was anticipated that individuals would walk to the bus stop. There is a bus stop in Belltown on the corner of Stingey Lane and Route 9.
109. The Board found that Mr. Hutt stated that there are no sidewalks along Route 9 but there are numerous bus stops along Route 9 and no sidewalks.
110. The Board found that Mr. Hutt stated that the shelter will not substantially affect adversely the uses of neighboring and adjacent properties.
111. The Board found that Mr. Hutt stated that a similar shelter in Seaford is located adjacent to a school and it has not had an adverse effect on the school.
112. The Board found that thirty (30) parties appeared in support of the Application.
113. The Board found that thirty (30) parties appeared in opposition to the Application.
114. The Board tabled the discussion on the Application until June 19, 2017, at which time the Board voted on the Application.
115. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board has considered and weighed, the Board determined that the application met the standards for granting a special use exception because the proposed homeless shelter 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 proposes a homeless shelter for 18 to 24 homeless persons on a site formerly used as a church on property located in Belltown near the Five Points intersection at the corner of Church Street and Route 9.
 - b. The Board heard opposition to the application, many of whom were residents of the nearby Henlopen Landing development. The primary concerns raised by the opposition included the vetting process of shelter residents, the effect of the shelter on property values, traffic, and safety in the area. The opposition's evidence, testimony, and concerns have been weighed and considered.
 - c. Property Values:
 - i. Glenn Piper, who is a real estate appraiser with 24 years of experience in Sussex County, testified that the proposed shelter would have no adverse effect on the values of neighboring properties. Mr. Piper also explained that existing traffic congestion and blighted homes in Belltown already depress property values in the area. Members of the opposition admitted that traffic in the area is a problem. One member of the opposition also noted that the area was "not good looking."
 - ii. Some members of the opposition testified that the homeless shelter would negatively affect property values in the area. The opposition,

however, presented no expert testimony, reports, or studies from a realtor or appraiser to support this argument. One witness did, however, state that an article he saw online showed that properties near a homeless shelter have a 12.7% decrease in property value. This article was not provided to the Board which makes it difficult to assess its credibility. To the extent the article is credible, the Board finds that the testimony and report submitted by Mr. Piper to be specific to this property and surrounding area and give Mr. Piper's testimony and report great weight; particularly in light of Mr. Piper's experience and knowledge of the area.

- iii. After weighing the testimony and evidence, the Board finds that the homeless shelter will not have a substantial adverse effect on property values of neighboring and adjacent properties.
- d. The Use of the Homeless Shelter & Safety:
 - i. The opposition expressed concern about the individuals who will be residing in the homeless shelter; particularly the vetting and admissions process.
 - ii. The Applicant has submitted a proposed set of rules and regulations which requires that the residents of the shelter be vetted by the Homeless Planning Council and the HUD system. No registered sex offenders or individuals with a history of violent offenses will be permitted to live in the shelter. All residents will be finger-printed and vetted by the Delaware State Police Troop 7 to determine whether they have outstanding warrants or capiases. The Applicant will have an intake policy and admissions criteria. The shelter is not a walk-up facility and all persons who reside in the shelter must go through the admissions and vetting process prior to admission to the house. House rules will also be implemented and enforced. No drugs, alcohol, or weapons are permitted. Residents are not permitted to loiter in the area and must engage in counseling and job training. Residents must also seek employment. The shelter will be supervised and residents who do not follow rules will be removed from the shelter.
 - iii. The opposition expressed concern about residents who suffer from mental illness or drug and alcohol addiction. The facility will be an alcohol and drug-free facility. To the extent residents suffer from drug or alcohol addiction, they will be required to attend addiction counseling and maintain sobriety. As noted at the beginning of the hearing, the Board cannot consider testimony or evidence which stereotype people within a protected class – including persons with a disability.
 - iv. The opposition expressed concern about the effect of the shelter on the safety in the area. The opposition, however, presented no evidence that the existence of the shelter would increase crime in the area. Rather, the statements made by the opposition consisted of blanket statements which are speculative in nature. Comments made by the opposition appear rooted in fear rather than fact.
 - v. The Board is satisfied that the admissions criteria and process and the rules of the shelter will provide sufficient safeguards for the neighborhood.
- e. Traffic:
 - i. The opposition expressed traffic and safety concerns related to the shelter.

- ii. Route 9 and Beaver Dam Road are frequently traveled roads and the area is a high-traffic area.
 - iii. A DART bus stop is located on the corner of Stingey Lane and Route 9. The DART bus stop is within reasonable walking distance to the proposed shelter. Many of the residents will likely walk or bike to the bus stop in order to get to work and appointments. The close proximity of the shelter to a bus stop should alleviate some of the concerns about the traffic from the shelter as residents will not have to go far in order to access reasonable transportation. There is also a school bus stop in the Henlopen Landing development. The existence of the bus stops indicate that pedestrian traffic in the area is not unusual. Notably, the DART bus stop is located in the opposite direction from Henlopen Landing and Salt Marsh Boulevard where neighbors have experienced traffic problems.
 - iv. The Property has been used as a church for many years and is zoned AR-1 which allows for certain uses. No evidence was presented which proved convincing that the shelter would produce any more traffic – pedestrian or otherwise – than the previous church on the Property or another permitted use within the AR-1 district. It is also noted that the property was previously granted Conditional Use approval for a restaurant with a brew pub.
 - v. Opposition to the Application did not present evidence from a traffic engineer as to any negative impact the application would have on traffic in the neighborhood. Rather the opposition focused on existing traffic problems – particularly with regard to Salt Marsh Boulevard which is used as “cut-through” by many drivers. The Board was not convinced that the shelter would somehow substantially worsen this traffic problem.
 - vi. Importantly, DelDOT has jurisdiction over the traffic impact of the shelter and indicated that the use does not require a traffic impact study and that the traffic impact from the shelter would be “negligible”.
 - vii. Ultimately, the Board was not convinced that the homeless shelter will not have a substantial adverse effect on traffic in the area.
- f. The Neighborhood:
- i. The area near the proposed homeless shelter consists of different uses. The residential communities of Henlopen Landing and Lewes Landing, 2 hardware stores, a park-and-ride facility, a power station, and other businesses are located near the site. The Property is also only a few blocks from the Route 1 corridor.
 - ii. The evidence demonstrates that the proposed homeless shelter is an ideal location for the Applicant based on criteria needed for state funding. The shelter is located in a highly impacted area within close proximity to transportation, groceries, fire, and police. The shelter is located close to a bus stop which should enable residents to access transportation for work or appointments.
 - iii. Opposition expressed concern that the shelter would negatively impact their neighborhood. While the concerns of the opposition are noted, these concerns are not supported by substantial evidence. No studies, reports, or other documentation were submitted by the opposition to demonstrate that homeless shelters – particularly shelters with the controls similar to the ones to be implemented by the Applicant – have a substantial adverse effect on surrounding neighborhoods. Rather, the concerns raised by the opposition

appear rooted in fear and speculation. In addition, the Board heard testimony from a supporter of the Application that a homeless shelter in Seaford, with less resident controls than is proposed in the present application, was located near the Seaford Christian Academy and no incidents have been reported. In fact, the shelter and the Seaford Christian Academy engaged in joint activities and enjoy a harmonious relationship.

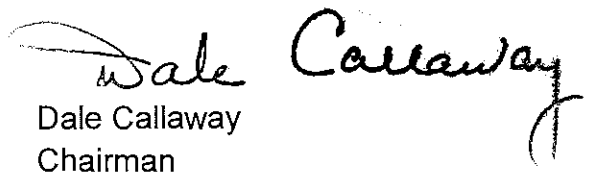
- iv. It is also worth noting that conflicting testimony and evidence was presented as to whether homeless persons live in Belltown. While it is disputed as to whether homeless persons live in this neighborhood, it was clear from the testimony that there are likely homeless persons in the Lewes area. The Applicant has operated a Code Purple shelter nearby which benefits homeless persons during the winter months. Newspaper articles regarding homeless in the Rehoboth area were also submitted into the record.
- g. Best Location:
 - i. Members of the opposition raised concerns about whether the site was the best location for the shelter. The Applicant, however, need not demonstrate that better locations are possibly available – only that the proposed use does not substantially affect adversely the uses of neighboring and adjacent properties.
- h. Lighting:
 - i. There was no evidence that there would be additional light pollution or negative effects from lighting from the proposed shelter.
- i. Noise:
 - i. There was no evidence that there would be additional noise pollution or loud noises emanating from the proposed shelter.
- j. Emissions:
 - i. There was no evidence that there would be additional pollutants or negative environmental emissions from the proposed shelter.

The Board approved the special use exception application 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. The Board Members in favor of the motion to approve were Mr. Dale Callaway, Mr. John Mills, and Mr. Norman Rickard. Mr. Brent Workman voted against the Motion to deny the special use exception. Mr. Jeff Hudson and Ms. Ellen Magee did not participate in the discussion or vote of 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 August 22, 2017.