

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

**IN RE: JONATHAN ORLANDO**

**(Case No. 12141)**

A hearing was held after due notice on May 21, 2018. The Board members present were: Mr. Dale Callaway, Mr. Bruce Mears, Ms. Ellen Magee, Mr. John Mills, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception from parking and loading requirements.

Findings of Fact

The Board found that the Applicant is seeking a special use exception from the parking and loading requirements to allow for off-site parking and parcel adjacent to a restaurant. This application pertains to certain real property located at the north side of Robinson Drive, approximately 214 feet east of Coastal Highway (Route 1). (911 Address: 38171 Robinsons Drive, Rehoboth Beach); said property being identified as Sussex County Tax Map Parcel Number 3-34-20.09-27.00.

1. The Board was given copies of the Application, a survey of the Property dated March 11, 2014, 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 & Zoning received one (1) letter in support of the Application and no correspondence in opposition to the Application.
3. The Board found that Jonathan Orlando was sworn in to testify about the Application and submitted exhibits for the Board to review.
4. The Board found that Mr. Orlando testified that he owns the restaurant next to the Property. The restaurant is located on Parcels 26 and 27.
5. The Board found that Mr. Orlando testified that he purchased the Property to use for parking. He increased the number of handicap parking spaces available in front of the restaurant and the off-site parking is used by employees and for overflow parking. 90% of the time the parking lot is used for his employees.
6. The Board found that Mr. Orlando testified that the parking lot is made up of crush and run and the Property has been used for parking for four years. There is no overnight parking in the lot.
7. The Board found that Mr. Orlando testified that there is no lighting, electric, or plumbing on the Property and there are no parking fees. He has improved the drainage on the site.
8. The Board found that Mr. Orlando testified that there are no entrance issues with the Delaware Department of Transportation.
9. The Board found that Mr. Orlando testified that the parking will not substantially affect adversely neighboring and adjacent properties.
10. The Board found that no parties appeared in support of or in opposition to the Application.
11. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board finds credible, persuasive, and un rebutted, the Board determined that the application met the standards for granting a special use exception because the special use exception from the parking and loading requirements to allow for off-site parking and parcel adjacent to a restaurant 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.

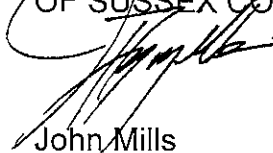
- a. The Property is located on a parcel adjacent to land owned by the Applicant which is used for a restaurant. The parking lot provides additional parking for the restaurant's customers and employees.
- b. The off-street parking area relieves congestion in the streets and the neighborhood is best served by permitting parking off the premises where the restaurant is located. Since the parking lot is so close to the restaurant, the parking lot should provide customers and employees with room to safely park their vehicles while also providing safe pedestrian access to the restaurant.
- c. The parking lot has no facilities other than parking spaces.
- d. There was no evidence that the parking lot has created problems with dust, noise, vibration, light, or emissions in the neighborhood.
- e. The Property has been used for a parking lot for 4 years and, despite the longstanding use of the Property in this fashion and notification to neighbors, no complaints were noted in the record.
- f. No evidence was presented which demonstrated that the offsite parking lot will have any adverse effect on neighboring and adjacent properties; let alone a substantial adverse effect.

The Board granted 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 were Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, Mr. John Mills, and Mr. Brent Workman. No Board Member voted against the Motion to approve the special use exception application.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY



John Mills  
Chairman

If the use is not established within two (2) years from the date below the application becomes void.

Date August 7, 2018