

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: FURNITURE & MORE

(Case No. 12518)

A hearing was held after due notice on April 12, 2021. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Mr. John T. Hastings, Mr. John Williamson, and Mr. Brent Workman.

Nature of the Proceedings

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

Findings of Fact

The Board found that the Applicant is requesting a special use exception to place a tent during the Memorial Day and Labor Day holidays over the next five years. This application pertains to certain real property located on the northeast side of Coastal Highway (Route 1) at the intersection of Munchy Branch Road (911 Address: 19287 Coastal Highway, Rehoboth Beach said property being identified as Sussex County Tax Map Parcel Number 3-34-13.00-325.04. After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, the findings of fact for Case No. 11748, a survey of the Property dated January 8, 2009, a deed to the Property, a drawing showing the location of the proposed tent, 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 Deborah Anderson was sworn in to testify about the Application and John Tracey, Esquire, presented the case on behalf of the Applicant.
4. The Board found that Mr. Tracey stated that this is the Applicant's third request for a five year special use permit.
5. The Board found that Mr. Tracey stated that the tent will not be on the Property for five years. Rather, the tent will be used twice a year during the Memorial Day and Labor Day sales events.
6. The Board found that Mr. Tracey stated that the tent will be up for a period of 14 days for each sale from the beginning of set up until the final tear down.
7. The Board found that Mr. Tracey stated that the store fronts on Route 1 but the tent is placed on the Munchy Branch Road side of the Property.
8. The Board found that Mr. Tracey stated that the tent sales are effective and generate more sales.
9. The Board found that Mr. Tracey stated that these sales have been happening for ten years with no complaints or issues.
10. The Board found that Mr. Tracey stated that there is no substantially adverse effect to adjacent or neighboring properties.
11. The Board found that Mr. Tracey stated that the Applicant rents U-Hauls from the rear of the site and the U-Haul business takes up 5-6 parking spaces but it will not be impacted by this request.
12. The Board found that Ms. Anderson affirmed the statements made by Mr. Tracey as true and correct.
13. The Board found that Ms. Anderson testified that there is a U-Haul rental business and the vehicles are stored in a rear parking lot.
14. The Board found that Ms. Anderson testified that there have been no issues with parking.

15. The Board found that Ms. Anderson testified that there are other commercial businesses on the Property.
16. The Board found that Ms. Anderson testified that there have been no complaints during the past tent events.
17. The Board found that Ms. Anderson testified that there is 24 hour security both with cameras and in-person.
18. The Board found that Ms. Anderson testified that the tent will measure 30 feet by 60 feet.
19. The Board found that Ms. Anderson testified that the tent will be up 14 days around Memorial Day and 14 days around Labor Day.
20. The Board found that Ms. Anderson testified that the tent will take up 7 parking spaces and will be in the same location as in prior years.
21. The Board found that Ms. Anderson testified that there have been no issues with traffic or congestion related to the tent in prior years.
22. The Board found that no one appeared in support of or opposition to the Application.
23. 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 unrebutted 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. 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 for a period of 14 days around 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 ten years and the Applicant has not received any complaints related to the tent.
 - d. The tent will not block the visibility of any neighboring businesses or signs.
 - e. The Applicant will still have adequate parking even with the tent in place.
 - f. The tent will be used only on a temporary basis during limited times of the year.
 - g. 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 January 8, 2009, submitted by the Applicant.
 - iii. The tent shall only be erected for no more than 14 days during the Memorial Day holiday event.
 - iv. The tent shall only be erected for no more than 14 days during the Labor Day holiday event.
 - v. 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) year 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 Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. Travis Hastings, Mr. John Williamson, and Mr. Brent Workman. No Board Member voted against the Motion to approve the special use exception application with conditions.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



John Williamson
Chair

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

Date June 7, 2021