

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: PAUL GRAVES CAREY

Case No. 10772 – 2011

A hearing was held after due notice on March 7, 2011. The Board members present were: Mr. Dale Callaway, Mr. Ronald McCabe, Mr. John Mills, and Mr. Jeff Hudson.

Nature of the Proceedings

This is an application for a variance from the side yard setback requirement a variance from the maximum height requirement and the placement of a third subdivision sign.

Finding of Facts

The Board found that the Applicant was seeking a variance from side yard setback requirements, a variance from the maximum height limit, and a variance for the placement of a third subdivision sign, north of Route 9, Beaver Dam Road, 0.25' west of Delaware Route 1, Lots 1-185, Deep Valley Farm. The Applicant was requesting a 23' variance from the 42' height limit for a silo and a variance for the placement of a third subdivision sign. After a hearing, the Board made the following findings of fact:

1. The Applicant determined that side yard variance was unnecessary, and did not proceed with that specific request.
2. The parcel was previously a fully operational farm, and because it lies on opposite sides of Beaver Dam Road, there is an additional third entrance/exit. The Applicant wishes to have entrance signs at all three locations.
3. The two silos are to be placed within two planned traffic circles. They will be 18' in diameter and will not impact traffic.
4. The silos are simply for aesthetic purposes, and as a remembrance of the property as an active farm. The closest lot is more than 100' away from a silo.
5. All three entrance signs will look alike and will have landscaped islands.
6. To the extent that a "tulip" or other logo alone appears on the silos, they are not considered signs under the current ordinance.
7. The Board found that the application generally met the standards for granting a variance. The subdivision was unique in terms of being separated by a roadway, which clearly justified the additional sign. That difficulty was not created by the Applicant, and will not alter the essential character of the neighborhood. Further, had the Applicant built the silos before filing a subdivision application, the silos could have remained in place.
8. No persons appeared in opposition.

The Board granted the variances regarding the height of the silos and the third sign. The request for a side yard setback variance was denied as unnecessary.

Decision of the Board

Upon motion duly made and the seconded, the application was granted. The Board members voting in favor were: Mr. Callaway, Mr. McCabe, Mr. Mills, and Mr. Hudson; voting against – none.

**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 April 15, 2011.