

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

**IN RE:            FIRST STATE SIGNS**

**Case No. 10836 – 2011**

A hearing was held after due notice on August 8, 2011. The Board members present were: Mr. Dale Callaway, Mr. Ronald McCabe, Mr. John Mills, Mr. Brent Workman and Mr. Jeff Hudson.

Nature of the Proceedings

The Board found that the Applicant was seeking a special use exception to replace a billboard on a parcel at the northeast intersection of Route 1 (Coastal Highway) and Kings Highway, together with a variance from the maximum allowable square footage for a billboard, a variance from the height limit for a billboard, and a variance from setback requirements from a dwelling, church, public lands or other sign. After a hearing, the Board made the following findings of fact:

1. The Applicant wishes to replace an older billboard with a new one, but at a greater height in order to allow clearance for structures anticipated to be built on the property, and in order to utilize the second side as previously permitted by the Board, which has been blocked for a number of years.
2. The billboard has been in its present location for some 28 years. Permission to utilize the second side was granted in 2001.
3. The buildings, those formerly belonging to Dr. Earl Bradley, are abandoned and are to be torn down. It is anticipated that the property will be redeveloped over the next few years, but the owner wishes to maintain and upgrade the billboard.
4. The height variance will get the billboard and catwalk out of reach, and above the expected height of new buildings. It will be 7' higher than the existing structure, and there are actually several higher billboards in the area.
5. The billboard across the highway and within 300' was probably erected after this billboard was originally placed.
6. The Applicant owns other billboards in the area, all of which are currently rented. There are numerous other billboards in the area, which includes numerous commercial properties.
7. The Board found that the difficulties shown to exist, including the inability to use the second side and the proximity of the sign from the one across the highway, were not created by the Applicant. Since the billboard has existed for so long it is now part of the reasonable use of the property. The billboard does not alter the surrounding area, and the Applicant has requested only the minimum necessary to afford relief.
8. No persons appeared in opposition.

The Board granted the special use exception, finding that it would not affect adversely the uses of neighboring and surrounding properties, and granted the variances as well.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board members voting in favor were: Mr. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman 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 September 27, 2011.