

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

**IN RE: NEW COVENANT PRESBYTERIAN CHURCH (Case No. 10909)**

A hearing was held after due notice on December 12, 2011. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. Ronald McCabe, Mr. John Mills, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception for a billboard and a variance from the maximum height requirement.

Findings of Fact

The Board found that the Applicant was seeking a special use exception for a billboard and a variance of 17 feet from the required 25 foot maximum height requirement for a billboard. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located northwest corner of Route 1 (Coastal Highway) and Road 268A (Dartmouth Drive); said property being identified as Sussex County Tax Map Parcel Number 3-34-6.00-63.03. After a hearing, the Board made the following findings of fact:

1. Paul Carey, who is a deacon at the New Covenant Presbyterian Church, testified on behalf of the Applicant.
2. Robert G. Gibbs, Esquire, also appeared on behalf of the Applicant.
3. The Board found that the Applicant was proposing to construct a billboard measuring 12'x48' and 42 feet in height.
4. The Board found that the proposed billboard will meet all required setback requirements but will not meet the height limitation in effect for billboards.
5. The Board found that the Property is located on Route 1 in a heavily commercial area with other similar billboards in the area.
6. The Board found that the proposed billboard is not located within three hundred feet (300') of another billboard, dwelling, or public lands.
7. The Board found that the location of the proposed billboard is in a high visibility area as close to Route 1 as possible and is located away from neighbors.
8. The Board found that there are numerous trees in the area near the proposed billboard location and that those trees may limit the view of the billboard. The Applicant advised the Board that it intends to keep as many trees as possible.
9. The Board found that the Property has access issues which limit its available uses. The Board found that the Applicant cannot find a practical use for the site.
10. The Board found that the Applicant did not create the difficulty with the access issues.
11. The Board found that the Property is under contract pending the approval of this Application.
12. Sandra Spence testified in opposition to the Application and stated that she lives in the area. She testified that she feels the intersection is already a hazard and that the billboard will enhance this hazard. Ms. Spence believes that there are too many billboards in the area. She testified that she was involved in an accident at this intersection.
13. Four (4) persons appeared in favor of the Application.
14. Based on the findings above and the testimony presented at the public hearing, the Board determined that the application met the standards for granting a variance. The difficulty was not caused by the Applicants. The Property was unique due to its shape and the access points. There is no possibility the Property could be developed in strict conformity with the Sussex County zoning ordinances. The variance is necessary for the reasonable use of the Property.

The variance would not alter the character of the neighborhood. The variance is the minimum necessary to afford relief.

15. Based on the findings above and the testimony presented at the public hearing, the Board determined that the Application met the standards for granting a special use exception as the proposed use did not substantially affect adversely the use of neighboring and adjacent properties.

The Board granted the special use exception finding that it met the standards for granting a special use exception. The Board granted the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the applications were granted with the stipulation that the billboard be lease prior to the issuance of a building permit. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. Ronald McCabe, Mr. John Mills, and Mr. Brent Workman. No Members of the Board voted in opposition to the 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 March 21, 2012.