

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SOFTBALL WORLD, LLC (Case No. 11047)

A hearing was held after due notice on September 24, 2012. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a variance for an additional ground sign and a variance from the required square footage requirement for an on-premise ground sign.

Findings of Fact

The Board found that the Applicant was seeking a variance for an additional ground sign and a variance of 40 square feet from the 200 square foot requirement for a ground sign. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Route 9 (Lewes Georgetown Highway) 2,300 feet west of Road 321 (Park Avenue); said property being identified as Sussex County Tax Map Parcel Number 1-35-15.00-82.00. After a hearing, the Board made the following findings of fact:

1. Wallace Townsend was sworn in and testified on behalf of the Application.
2. The Board found that Mr. Townsend testified that the existing sign is to advertise All Hallows Farm.
3. The Board found that Mr. Townsend testified that Sports at the Beach is also located on the Property.
4. The Board found that Mr. Townsend testified that the sign sits approximately 250 feet from the front property line and that he was not aware of a problem until he was contacted by the Sussex County Planning & Zoning Office.
5. The Board found that Mr. Townsend testified that there are no other signs that size on the Property and that he put the sign up without obtaining a building permit.
6. The Board found that Mr. Townsend testified that he thought the location of the sign would not create any issues.
7. The Board found that Mr. Townsend testified that the sign is approximately 300 square-feet in size, 18 feet tall and one-sided.
8. The Board found that Mr. Townsend testified that he has added additional signage and lighting to the structure since applying for the variance.
9. The Applicant requested additional time to prepare to present the Application.
10. The Board found that no parties appeared in opposition to or in support of the Application.
11. The Board voted to leave the case open until its next regularly scheduled meeting as to allow the Applicant additional time to prepare its presentation.
12. On October 1, 2012, Mr. Townsend appeared before the Board and testified about the Application.
13. The Board found that Mr. Townsend testified that the sign is to advertise the Halloween activities to be held on the Property.
14. The Board found that Mr. Townsend testified that the site is unique due to the fact that the site of the Halloween activities is approximately 2,000-feet from Route 9.
15. The Board found that Mr. Townsend testified that the Property consists of approximately 93 acres and that the site is surrounded by trees.
16. The Board found that Mr. Townsend testified that, without the sign, the site could not be seen from the road.

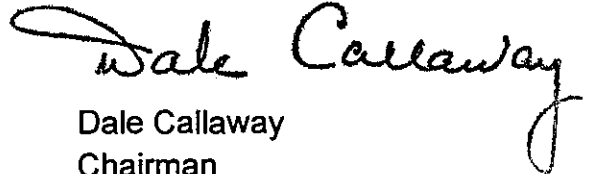
17. The Board found that Mr. Townsend testified that the sign will not alter the character of the neighborhood.
18. The Board found that Mr. Townsend testified that the sign is not detrimental to public welfare.
19. The Board found that Mr. Townsend testified that the sign will enable reasonable use of the Property.
20. The Board found that Mr. Townsend testified that the variance requested is the minimum variance to afford relief.
21. The Board found that no persons appeared in support of or in opposition to the Application at the October 1, 2012, hearing.
22. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The Property is unique due to its size. The variance will enable reasonable use of the Property. The difficulty was not created by the Applicant. The variance will not alter the essential character of the neighborhood. The variance sought is the minimum variance to afford relief.

The Board approved the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the Application was approved. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Norman Rickard. No Member voted against the Motion to Approve 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 November 7, 2012