

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: THE EDGE GROUP, INC. @ NASSAU (Case No. 11071)

A hearing was held after due notice on October 15, 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 special use exception to place a billboard, a variance from the maximum height requirement, and a variance from the square footage requirement for a billboard.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to place a billboard, a 35 foot variance from the 25 foot maximum height requirement for a billboard, and a 600 square-foot variance from the 300 square-foot maximum square-footage requirement for a billboard. The Applicant has requested that the aforementioned requested special use exception and variances be granted as it pertains to certain real property located northeast of Route 1 (Coastal Highway) approximately 700 feet southeast of Road 266 (New Road); said property being identified as Sussex County Tax Map Parcel Number 3-34-5.00-90.00. After a hearing, the Board made the following findings of fact:

1. Darlene Matthes and Lynn Rogers were sworn in and testified on behalf of the Applicant.
2. The Board found that Mr. Rogers testified that the presentation for Case No. 11070 and 11071 are nearly identical and the properties subject to these applications are located on adjacent properties. The Board agreed to hear testimony for both cases at the same time but voted on the applications separately.
3. The Board found that Mr. Rogers testified that the proposed billboards will be double-sided steel monopole structures measuring 12 feet by 48 feet.
4. The Board found that Mr. Rogers testified that the need for the height variance is due to the height of the nearby Nassau Bridge which limits visibility of billboards.
5. The Board found that Mr. Rogers testified that there are similar billboards with similar variances on the opposite side of the bridge.
6. The Board found that Mr. Rogers testified that the proposed use will not substantially adversely affect the adjacent and neighboring properties.
7. The Board found that Mr. Rogers testified that the Property is unique due to the height of the Nassau Bridge.
8. The Board found that Mr. Rogers testified that the Property cannot be developed in strict conformity with the Sussex County Zoning Code due to the height of the bridge.
9. The Board found that Mr. Rogers testified that the difficulty was not created by the Applicant.
10. The Board found that Mr. Rogers testified that the surrounding properties are zoned Commercial.
11. The Board found that Mr. Rogers testified that the billboard will not alter the essential character of the neighborhood.
12. The Board found that Mr. Rogers testified that the variances will not be detrimental to the public welfare.
13. The Board found that Mr. Rogers testified that the proposed billboards will meet the required distance between billboards requirement.

14. The Board found that Mr. Rogers testified that the variances sought are the minimum variances to afford relief.
15. The Board found that Mr. Rogers testified that the billboards will create an easier way to disseminate information to the public.
16. The Board found that Mr. Rogers submitted exhibits in support of the Application.
17. The Board found that no parties appeared in support of or in opposition to the Application.
18. 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 special use exception. The proposed use does not substantially affect adversely the uses of the adjacent and neighboring properties.
19. 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 existing Nassau Bridge creates a uniqueness to the Property. The variances will enable reasonable use of the Property. The difficulty was not created by the Applicant. The variances will not alter the essential character of the neighborhood. The variances sought are the minimum variances to afford relief.

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