

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: SBA TOWERS

(Case No. 11331)

A hearing was held after due notice on February 3, 2014. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Brent Workman and Mr. Norman Rickard.

Nature of the Proceedings

This is an application for a special use exception for a telecommunications tower.

Findings of Fact

The Board found that the Applicant was seeking a special use exception for a telecommunications tower. This application pertains to certain real property east of Road 494 (Dickerson Road) approximately 0.75 miles northeast of Road 501 (St. George Road) approximately 0.6 miles south of Route 24 (Sharptown Road) said property being identified as Sussex County Tax Map Parcel Number 4-32-12.00-4.00. After a hearing, the Board made the following findings of fact:

1. Peter Colosimo was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Colosimo testified that he represents SBA Towers and the Dickerson Family in requesting the special use exception for a cellular tower.
3. The Board found that Mr. Colosimo testified that a special use exception for a tower was approved in 2012.
4. The Board found that Mr. Colosimo testified that the approved tower was never constructed and the approval expired.
5. The Board found that Mr. Colosimo testified that there is a great need for service in the area as the service in the area is poor.
6. The Board found that Mr. Colosimo testified that the proposed tower is approximately 2,200 feet from the nearest dwelling.
7. The Board found that Mr. Colosimo testified that the tower will enhance neighboring properties because it will improve the cellular service provided to those properties.
8. The Board found that Mr. Colosimo testified that the tower will not substantially affect adversely the uses of neighboring and adjacent properties.
9. The Board found that Mr. Colosimo testified that the proposed tower will be 140 feet tall with a five (5) feet tall lightning rod.
10. The Board found that Mr. Colosimo testified that the tower will be set up for four (4) carriers.
11. The Board found that Mr. Colosimo testified that there will be a fenced-in compound area of fifty (50) feet by fifty (50) feet at the base of the tower.
12. The Board found that Mr. Colosimo testified that SBA Towers will construct the tower and Verizon will lease space from the tower.
13. The Board found that Richard Dickerson was sworn in and testified in support of the Application.
14. The Board found that Mr. Dickerson testified that there are no other towers in the area.
15. The Board found that Mr. Dickerson testified that the proposed tower will be on his property.
16. The Board found that Mr. Dickerson testified that service is badly needed in the area.
17. The Board found that Mr. Colosimo testified that it takes approximately six (6) months to erect the tower.

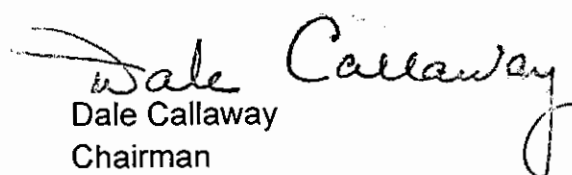
18. The Board found that Mr. Colosimo testified that there are no other sites for collocation within two (2) miles of the Property.
19. The Board found that Mr. Colosimo testified that the pole will be set back at least one-third (1/3) of its height from surrounding properties.
20. The Board found that Mr. Colosimo testified that the pole will be surrounded by a six (6) feet tall fence.
21. The Board found that five (5) parties appeared in support of the Application.
22. The Board found that no parties appeared in opposition to the Application.
23. Based on the findings above, 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 because the use does not substantially affect adversely the uses of adjacent or neighboring properties and the proposed tower meets all of the other criteria required for approval of a telecommunications tower. The Applicant has demonstrated that there are no existing structures within a two (2) mile radius of the Property available for collocation and that there is a need for such tower at the proposed location. The tower will be designed to accommodate at least two (2) additional PCS / cellular platforms. The tower will be set back at least one-third (1/3) of its height from neighboring properties. The pad sites, ground equipment structures, and wires will be surrounded by a six (6) feet tall fence. The tower will have warning lights placed every fifty (50) feet of elevation.

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

Decision of the Board

Upon motion duly made and seconded, the special use exception application was approved. The Board Members in favor of the Motion to Approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve the special use exception 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 25, 2014