

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

**IN RE: SALT POND PLAZA LLC**

**(Case No. 11391)**

A hearing was held after due notice on May 19, 2014. 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 from the maximum signage requirement for a wall sign.

Findings of Fact

The Board found that the Applicant was seeking a variance of 210 square-feet from the maximum allowable wall sign requirement of 150 square-feet. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located southeast corner of Road 360 (Fred Hudson Road) and Road 357 (Cedar Neck Road); said property being identified as Sussex County Tax Map Parcel Number 1-34-13.00-88.05. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received no correspondence in support of or in opposition to the Application.
2. Douglas Liberman was sworn in to testify on behalf of the Application.
3. The Board found that Mr. Liberman testified that there are three (3) signs being proposed.
4. The Board found that Mr. Liberman testified that the signs on both the North and South elevation will measure 131.47 square-feet in size and the sign on the East side will measure 96.69 square-feet in size.
5. The Board found that Mr. Liberman testified that the location of the existing building is surrounded by three (3) roads that intersect.
6. The Board found that Mr. Liberman testified that the proposed store will have two (2) separate entrances and that two (2) of the signs will be located above each entrance.
7. The Board found that Mr. Liberman testified that the third sign will allow west bound traffic to see the store.
8. The Board found that Mr. Liberman testified that the proposed Dollar Tree will use 9,600 square-feet of the 11,000 square-feet retail space.
9. The Board found that Mr. Liberman testified that if the retail space was divided among five (5) separate stores, each store would be permitted to have a sign for each store up to 150 square-feet in size and would allow 750 square-feet of signage at this location but the proposed signage will only be 360 square-feet.
10. The Board found that Mr. Liberman testified that the wall signage as proposed does not exceed the 15% coverage limitation.
11. The Board found that Mr. Liberman testified that there is parking on all sides of the building.
12. The Board found that Mr. Liberman testified that the Property is unique in that the building faces three roads creating a situation where there is no true back of the store.
13. The Board found that Mr. Liberman testified that the physical circumstances of the building dictate two (2) sides are used as entrances and that he feels the signs will draw attention to the entries is a reasonable use of the layout of the Property.

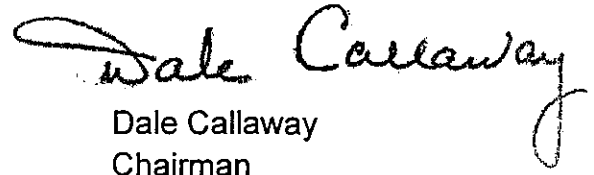
14. The Board found that Mr. Liberman testified that the unnecessary hardship has not been created by the Applicant as the site was developed by a prior owner.
15. The Board found that Mr. Liberman testified that the variance will not alter the essential character of the neighborhood.
16. The Board found that Mr. Liberman testified that the variance will provide the minimum relief necessary considering the requested signage will meet the "% of wall area" standard of the code.
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 and evidence 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 layout and the location of surrounding roads. The variance is necessary to enable reasonable use of the Property as it will allow the store to be seen from the different roads which intersect nearby. The difficulty was not created by the Applicant as the Applicant did not develop the Property. The variance will not alter the essential character of the neighborhood. There are other businesses in the area and, if the retail space was developed by multiple stores rather than just one, the total allowable signage would be far greater than the signage requested by the Applicant. The use is not detrimental to the public welfare. The variance sought is the minimum variance necessary 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, Mr. Norman Rickard, and Mr. Brent Workman. 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 July 8, 2014