

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CREATIVE CONCEPTS OF BETHANY

(Case No. 11437)

A hearing was held after due notice on August 18, 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 application for a special use exception to place an off-premise sign and variances from the minimum side yard setback, height requirement and the square footage requirement for an off-premise sign.

Findings of Fact

The Board found that the Applicant was seeking a special use exception for a billboard, a variance of thirty-five (35) feet from the fifty (50) feet side yard setback requirement for a billboard, a variance of twenty-five (25) feet from the twenty-five (25) feet maximum height requirement for a billboard, and a variance of 300 square-feet from the 300 square-feet maximum allowable square footage for a billboard. The Applicant has requested that the aforementioned requested special use exception and variances be granted as they pertain to certain real property located northern intersection of Route One (Coastal Highway) and Savannah Road and east of Tulip Road; said property being identified as Sussex County Tax Map Parcel Number 3-35-22.00-93.00. After a hearing, the Board made the following findings of fact:

1. Darlene Matthes and Lynn Rogers were sworn in to testify on behalf of the Application.
2. The Board found that Ms. Matthes submitted exhibits to the Board to review.
3. The Board found that Ms. Matthes testified that the Applicant plans to add retail space to the north side of the Property and that the existing on-premise sign needs to be moved in order to complete this expansion.
4. The Board found that Ms. Matthes testified that the existing billboard was approved in 2009 to be used as an on-premise sign.
5. The Board found that Ms. Matthes testified that the Property originally had three (3) billboards when first purchased by the Applicant.
6. The Board found that Ms. Matthes testified that the Applicant plans to remove the existing on-premise sign and replace it with the proposed off-premise billboard on the south side of the Property.
7. The Board found that Ms. Matthes testified that the location of the proposed billboard will allow room for the additional retail addition.
8. The Board found that Ms. Matthes testified that the billboard could not be seen due to the building if the billboard was only twenty-five (25) feet tall.
9. The Board found that Ms. Matthes testified that the proposed height of the billboard will allow it to be visible.
10. The Board found that Ms. Matthes testified that the billboard also needs to be increased in size so that it can be seen by southbound traffic along Route 1.
11. The Board found that Ms. Matthes testified that the building is thirty-five (35) feet tall and that the billboard would be difficult to read at twenty-five (25) feet tall.
12. The Board found that Ms. Matthes testified that the current sign is twenty-eight (28) feet tall.
13. The Board found that Ms. Matthes testified that the proposed billboard will not substantially adversely affect the neighborhood.
14. The Board found that Ms. Matthes testified that the only neighboring property is a stormwater management pond for the Villages at Five Points and that the area is primarily commercial.
15. The Board found that Ms. Matthes testified that the Property is unique because it is oddly shaped.

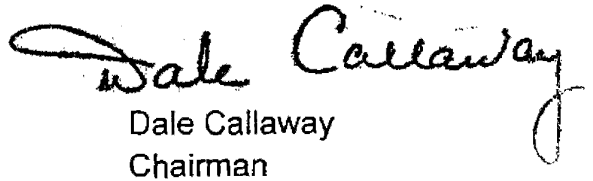
16. The Board found that Ms. Matthes testified that the variances will enable reasonable use of the Property.
17. The Board found that Ms. Matthes testified that the difficulty was not created by the Applicant.
18. The Board found that Ms. Matthes testified that the variances will not alter the essential character of the neighborhood.
19. The Board found that Ms. Matthes testified that the Property is located adjacent to a very busy intersection.
20. The Board found that Ms. Matthes testified that there are similar billboards in the area.
21. The Board found that Ms. Matthes testified that the variances are the minimum variances necessary to afford relief.
22. The Board found that Ms. Matthes testified that the sign will not be detrimental to the public welfare.
23. The Board found that Ms. Matthes testified that the height variance is necessary to clear the top of the building and prevent the proposed billboard from impairing the view of traffic.
24. The Board found that Ms. Matthes testified that the Applicant has four (4) leases for the billboard contingent on the approval of the Board.
25. The Board found that Mr. Rogers testified that the sign is similar in height and size to other signs in the area.
26. The Board found that no parties appeared in support of or in opposition to the Application.
27. 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 oddly shaped making it unique. The Property also has a history of billboards on site. The variances are necessary to enable reasonable use of the Property. The height and size of the billboard is necessary to be visible on both sides of the adjacent highway. The difficulty was not created by the Applicant. The variances will not alter the essential character of the neighborhood. There are other similar signs in the neighborhood and many commercial businesses nearby. The variances sought are the minimum variances necessary to afford relief. The variances represent the least modifications of the regulations at issue.
28. 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 special use exception. The use will not substantially affect adversely the uses of neighboring and adjacent properties. The billboard will be located on a commercial property where billboards have been located in the past. There are other similar billboards in the area and the sign will be elevated so as to avoid visibility issues with drivers.

The Board approved the special use exception and variance application finding that it met the standards for granting a special use exception and 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 September 23, 2014