

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY  
IN RE: CEDAR CREEK LANDING CAMPGROUND**

**(Case No. 11557)**

A hearing was held after due notice on April 20, 2015. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Norman Rickard and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to replace an existing non-conforming off-premise sign by applying for a determination of existence for a non-conforming sign.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to replace a non-conforming off-premise sign by applying for a determination of existence for a non-conforming sign. This application pertains to certain real property located south of Route One (Coastal Highway) approximately 3,700 feet southeast of Road 207 (Johnson Road) (911 Address: None Available); said property being identified as Sussex County Tax Map Parcel Number 3-30-16.00-17.03. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a portion of the tax map of the area, portions of the Sussex County Code, and minutes of the Board meeting from October 6, 2008.
2. The Board found that the Office of Planning and Zoning received one (1) letter in support of the Application and one (1) letter in opposition of the Application.
3. Michael Fannin and Richard Haxton were sworn in and testified regarding the Application and submitted exhibits to the Board which included renderings of the proposed sign, a survey dated August 4, 1989, and a letter of support from Virgil Robinette.
4. The Board found that Mr. Fannin testified that the Applicant plans to replace the existing sign with an LED sign because the existing sign is not visible to passing traffic.
5. The Board found that Mr. Haxton testified that two signs are being proposed by the Applicant (one sign for this case and one sign for Case No. 11556).
6. The Board found that Mr. Fannin testified that the sign for this property reads "Next Right."
7. The Board found that Mr. Fannin testified that modern technology would be an asset to the campground business.
8. The Board found that Mr. Fannin testified that the current sign is outdated and in need of repair and that, under the current zoning requirements, they will never be able to upgrade the existing sign.
9. The Board found that Mr. Fannin testified that there are no commercial zoned properties in the area to place an off-premise sign.
10. The Board found that Mr. Fannin testified that the existing sign does not attract potential campers to the campground.
11. The Board found that Mr. Fannin testified that the campground does not have frontage along Route One (Coastal Highway) and cannot be seen from Route One. Mr. Fannin testified that the Applicant needs an LED sign so that they can be seen by traffic prior to reaching the campground.
12. The Board found that no parties appeared in support of or in opposition to the Application.

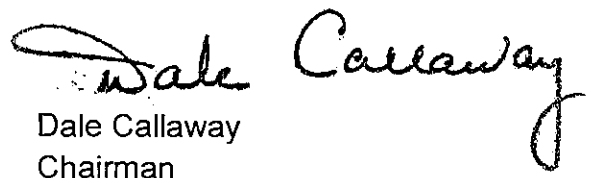
13. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, the Board denied the application for a special use exception to replace an existing non-conforming off-premise sign by applying for a determination of existence for a non-conforming sign. The findings below further support the Board's decision to deny the Application.
- a. The Applicant originally obtained approval for a wooden off-premises sign on the Property prior to a change in the sign ordinance. This sign is currently located on the Property.
  - b. Pursuant to the change in the sign ordinance, no off-premises signs are allowed in an AR-1 district. The Property is located in an AR-1 district.
  - c. The Applicant is not seeking to repair or reface the existing sign. Rather, the Applicant seeks to remove the original sign and to build a substantially larger, LED sign on a masonry pad. The original sign was approved as an 8 feet wide by 16 feet tall sign. The proposed sign is significantly larger as evidenced by the schematics presented by the Applicant. The Board finds that the proposed sign is not a repair of an existing sign but, rather, is an entirely new sign. As such, the proposed LED sign does not constitute a non-conforming sign and the Board must deny the Applicant's request.
  - d. Furthermore, since off-premises signs are not permitted in an AR-1 district, the Board cannot approve the Applicant's request.
  - e. Though no testimony or evidence was submitted by opposition to the Application, the denial of this application is consistent with the Sussex County sign ordinance which prohibits off-premises signs in an AR-1 district. The purpose of the AR-1 district is to provide for a full range of agricultural activities and to protect agricultural lands. This district is intended for protection of scenic values while at the same time providing for low-density, single-family residential development. Consistent with the purpose of the AR-1 district, the sign ordinance specifically prohibits the placement of off-premises signs in an AR-1 district. This proposed sign, which is larger than the existing sign and will have LED lighting, is out of character with the purpose of the AR-1 district and the Sussex County Zoning Code.

The Board denied for a special use exception to replace an existing non-conforming off-premise sign by applying for a determination of existence for a non-conforming sign finding that it failed to meet the necessary standards for approval.

#### Decision of the Board

Upon motion duly made and seconded, the special use exception application was denied. The Board Members in favor were Mr. Dale Callaway, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to deny the special use exception application. Mr. Jeff Hudson did not participate in the discussion or vote of this application.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY

  
Dale Callaway  
Chairman

Date June 9, 2015