

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ATLANTIC EAST, LTD.

(Case No. 11560)

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 special use exceptions to place three (3) off-premise signs on different parcels.

Findings of Fact

The Board found that the Applicant is requesting special use exceptions to place three (3) off-premise signs on different parcels. This application pertains to certain real property located (1) southwest of intersection of Savannah Road (Road 18) and Wescoats Road (Road 12) approximately 450 feet north of Marsh Road (Road 276) (2) northwest of Marsh Road (Road 276) approximately 450 feet northeast of Coastal Highway (Route One); (3) northwest of Marsh Road (Road 276) approximately 260 feet southwest of Wescoats Road (Road 12) (911 Address: None Available); said property being identified as Sussex County Tax Map Parcel Number 3-34-6.00-26.01, 26.02, and 26.05. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a letter from the Applicant's attorney, a letter from Five Points Crossing, LLC, statements supporting the Application, a portion of the tax map of the area, a site plan dated January 28, 2015, a statement from the Applicant, and an application for an outdoor advertising permit from the Delaware Department of Transportation ("DelDOT").
2. The Board found that the Office of Planning and Zoning received three (3) letters in support of the Application and no letters in opposition to the Application.
3. The Board found that Dale McCalister and Steve Lobo were sworn in and testified regarding the Application. John Paradee, Esquire, presented the Application on behalf of the Applicant and submitted an exhibit booklet to the Board.
4. The Board found that Mr. Paradee stated that the proposed billboards will measure 10 feet by 30 feet and will be two-sided. The billboards will be 25 feet tall and will be located on three different parcels.
5. The Board found that Mr. Paradee stated that two (2) billboards will be located along Marsh Road and one billboard will be located near the intersection of Savannah Road and Wescoats Road and will replace an existing billboard.
6. The Board found that Mr. Paradee stated that the two (2) billboards along Marsh Road are new structures.
7. The Board found that Mr. Paradee stated that the billboards comply with the requirements of Section 115-159.5(B) in the Sussex County Zoning Code. The signs will meet all setback, height, and square footage requirements.
8. The Board found that Mr. Paradee stated that the Applicant has filed applications with the Delaware Department of Transportation ("DelDOT") for the proposed billboards.
9. The Board found that Mr. Paradee stated that the adjacent property owners do not object to the Application as evidenced by letters of support in the exhibit booklet.

10. The Board found that Mr. Paradee stated that the proposed billboards will not substantially adversely affect the uses of the adjacent and neighboring properties.
11. The Board found that Mr. Paradee stated that the billboards will not alter the character of the neighborhood as there are numerous billboards in the area including a larger billboard on a nearby property that recently approved by the Board.
12. The Board found that Mr. Paradee stated that the proposed billboards are not visible from any nearby residential neighborhoods.
13. The Board found that Mr. Paradee stated that the area is a primarily commercial area located near Route 1.
14. The Board found that Mr. McCalister testified that the existing wooden billboard will be removed and replaced with a steel monopole structure.
15. The Board found that Mr. Lobo, under oath, confirmed the statements made by Mr. Paradee.
16. The Board found that no parties appeared in support of or in opposition to the Application.
17. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive and un rebutted, the Board determined that the application met the standards for granting a special use exception because the proposed billboards will not substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to approve the Application.
 - a. The Applicant demonstrated that billboards will be located in a commercial area near Route 1 and the billboards will not be visible from any nearby residential properties.
 - b. There are other billboards in the area including a larger billboard which was recently approved on a nearby property.
 - c. An existing billboard will be replaced with a new, steel monopole billboard.
 - d. Neighboring property owners support the application as evidenced by letters in support of the Application submitted by the Applicant.
 - e. The billboards will meet all height, setback, and square footage requirements set forth in the Sussex County Zoning Code.
 - f. No evidence was presented which would demonstrate that the billboards would have a substantial adverse effect on neighboring and adjacent properties.

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 were Mr. Dale Callaway, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve 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

If the use is not established within one (1)
year from the date below the application
becomes void.

Date June 9, 2015