

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ROUTE 9 ENTERPRISES, LLC

(Case No. 11579)

A hearing was held after due notice on May 18, 2015. 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 special use exception to place an off-premise sign.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to place an off-premise sign. This application pertains to certain real property located at the northeast intersection of Shingle Point Road (Road 249) and Lewes Georgetown Highway (Route 9) (911 Address: None Available); said property being identified as Sussex County Tax Map Parcel Number 1-35-16.00-8.00, 9.00, and 9.01. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a site plan dated March 31, 2015, and a portion of the tax map of the area.
2. The Board found that the Office of Planning and Zoning received no letters in support of or in opposition to the Application.
3. The Board found that Robert Davidson and Mark Davidson were sworn in and testified regarding the Application. Mark Davidson submitted a booklet of exhibits to the Board to review including surveys, drawings, aerial photographs, a letter from Lisa Mathena, and photographs of the Property.
4. The Board found that Mark Davidson testified that the Property is zoned commercial. The Property is located at the intersection of Shingle Point Road and Route 9 and consists of 3 parcels.
5. The Board found that Mark Davidson testified that the Applicant received preliminary approval from the Planning and Zoning Commission on April 23, 2015, to place two (2) commercial buildings constructed on the site.
6. The Board found that Mark Davidson testified that the billboard will be located near the intersection and will meet all required setback and separation requirements. The proposed sign will measure two-hundred (200) square-feet per side and will be twenty-four (24) feet tall.
7. The Board found that Mark Davidson testified that the proposed entrance for the Property will be on Shingle Point Road.
8. The Board found that Mark Davidson testified that the existing buildings on the Property will be demolished.
9. The Board found that Mark Davidson testified that the use will not substantially adversely affect the uses of the adjacent and neighboring properties and the proposed billboard will not impair traffic or visibility at the intersection.
10. The Board found that Robert Davidson testified that the abandoned church previously located on the Property has been removed and it has improved visibility. The church was 1.4 feet from the property line and will not be replaced.
11. The Board found that no parties appeared in support of or in opposition to the Application.
12. 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 off-premise sign 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.

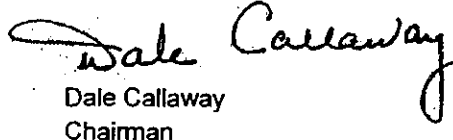
- a. The Property is located at the intersection of Route 9 and Shingle Point Road. Route 9 is a well-traveled road.
- b. The billboard will meet all setback, height, and separation requirements under the Sussex County Code.
- c. The billboard will be part of a redevelopment of the Property which will also consist of the construction of two commercial buildings.
- d. There are other commercial properties and billboards in the nearby area.
- e. The billboard will not interfere with traffic or visibility at the intersection of Route 9 and Shingle Point road.
- f. No evidence was presented which would demonstrate that the billboard 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. 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 July 7, 2015