

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: NASSAU FEED & GRAIN, INC.

(Case No. 11610)

A hearing was held after due notice on July 20, 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 variance for two (2) wall signs.

Findings of Fact

The Board found that the Applicant is seeking a variance to place two (2) wall signs. This application pertains to certain real property located on the east side of Coastal Highway & on the west side of Nassau Road, approximately 519 feet north of the intersection of said roads (911 Address: None Available); said property being identified as Sussex County Tax Map Parcel Number 3-34-5.00-88.00.

1. The Board was given copies of the Application, a portion of the tax map of the area, a survey of the Property dated April 15, 2015, a survey of the Property dated October 2014, and schematics and photographs of the proposed sign and building.
2. The Board found that the Office of Planning & Zoning had not received any correspondence in support of or in opposition to the Application.
3. Dale McCalister and Timanu Thompson were sworn in to testify about the Application.
4. The Board found that Mr. McCalister testified that the signs are for the proposed mini storage facility.
5. The Board found that Mr. McCalister testified that the Property is located under the Nassau Bridge which makes the Property unique. The Property is not easily seen from Route One (Coastal Highway).
6. The Board found that Mr. McCalister testified that the Property will be used for a mini storage facility.
7. The Board found that Mr. McCalister testified that the road is elevated adjacent to the Property and is one of the few elevated roads in Sussex County.
8. The Board found that Mr. McCalister testified that the proposed three-story building is a single use facility.
9. The Board found that Mr. McCalister testified that a multiple use facility, such as a shopping center, would allow multiple signs.
10. The Board found that Mr. McCalister testified that the entrance to the Property is from Nassau Road.
11. The Board found that Mr. McCalister testified that the walls of the building are 6,720 square feet and 4,860 square feet.
12. The Board found that Mr. McCalister testified that the proposed four (4) feet high letters on the side of the building are needed to be visible from Route One. The variances requested are the minimum size variances needed in order to be seen from Route One.
13. The Board found that Mr. McCalister testified that the signage consists of approximately 1.2% of one wall and 6% of the other wall.
14. The Board found that Mr. McCalister testified that other than a small directional sign at the entrance there will be no other signage on the Property.
15. The Board found that Mr. McCalister testified that the existing billboard will not block the proposed sign or building.

16. The Board found that Mr. McCalister testified that the exceptional practical difficulty was not created by the Applicant.
17. The Board found that Jim Maguire was sworn in and testified in opposition to the Application and testified that he could not see the pictures of the proposed signs but that, after he reviewed the pictures, he had no objection to the Application.
18. The Board found that no parties appeared in support of or in opposition to the Application.
19. 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 variance. The findings below further support the Board's decision to approve the Application.
 - a. The Property is also a large, commercial property and the Applicant seeks to place a mini storage facility thereon. The Property has unique characteristics as it is adjacent to Coastal Highway but Coastal Highway is curved and elevated at the Nassau Bridge significantly above the Property. The unique characteristics of this Property limit the visibility of the facility and have created an exceptional practical difficulty for the Applicant.
 - b. Due to the uniqueness of the lot, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Property has location in relation to the adjacent and well-traveled Route One. The Applicant seeks to adequately promote its business with signage that can be easily seen but is unable to do so without violating the Sussex County Zoning Code. In order for the commercial property to be easily seen, a variance for two wall signs as proposed by the Applicant is needed. The Board is convinced that the variance is necessary to enable the reasonable use of the Property as the variance will allow two reasonably sized wall signs to be placed on the building to be constructed on the Property. The Board is convinced that the size, shape, and location of these wall signs are reasonable, which is confirmed when reviewing the schematics provided by the Applicant.
 - c. The exceptional practical difficulty was not created by the Applicant. The Applicant did not create the unusual elevation and curvature of the adjacent roadway. The uniqueness of the Property has limited the Applicant's ability to market its mini storage facility and the variance is necessary. The Board is convinced that the exceptional practical difficulty was not created by the Applicant but was created by the elevation and curvature of the adjacent Route One.
 - d. The variance will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The Board is convinced that the wall signs will have no effect on the character of the neighborhood. The Property is zoned commercial and is located adjacent to a busy road. The signage will make it easier to see the mini storage facility. Furthermore, the facility is a single-use facility and will not be used for multiple businesses, which would allow for more signage on the Property. The proposed use of the Property will allow for fewer, but larger, signs; the impact of which is less than the effect of more signs related to a multi-use facility. No evidence was presented which would indicate that the variance would somehow alter the essential character of the neighborhood or be detrimental to the public welfare.
 - e. The variance sought is the minimum variance necessary to afford relief and the variance requested represents the least modification possible of

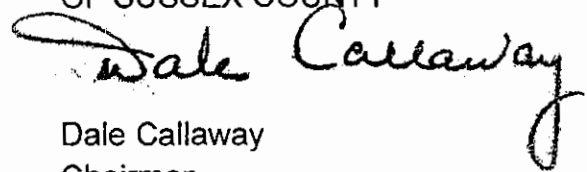
the regulation at issue. The Applicant has demonstrated that the variance sought will allow the Applicant to place the reasonably sized wall signs on the Property and that those signs are the minimum sizes necessary in order to be easily seen from the adjacent roadways.

The Board granted the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance 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 variance 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 15, 2015.