

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ROBERT LESHER

(Case No. 11676)

A hearing was held after due notice on December 14, 2015. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Jeff Hudson, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception to place a billboard.

Findings of Fact

The Board found that the Applicant is requesting a special use exception to place a billboard. This application pertains to certain real property located on the south side of Long Neck Road across from Lingo Lane (911 Address: 32564 Long Neck Road, Millsboro); said property being identified as Sussex County Tax Map Parcel Number 2-34-23.00-311.10. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application and a survey dated October 12, 2015.
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 Leshar was sworn in to testify about the Application. Mr. Leshar submitted exhibits to the Board to review.
4. The Board found that Mr. Leshar testified that the Property is zoned C-1 and there are numerous commercial businesses in the area.
5. The Board found that Mr. Leshar testified that the proposed billboard will not alter the character of the neighborhood and the proposed billboard will not substantially adversely affect the uses of the neighboring and adjacent properties.
6. The Board found that Mr. Leshar testified that there are several billboards within 2 miles of the Property.
7. The Board found that Mr. Leshar testified that the proposed two (2) sided billboard will measure 10 feet by 20 feet and will meet all the required setback, height, and square-footage requirements for a billboard. The structure will have two to three poles to provide structural integrity.
8. The Board found that Mr. Leshar testified that there appears to be a market in the area for billboards as another billboard owner in the area has customers waiting to advertise on its billboard.
9. The Board found that Mr. Leshar testified that he does not intend to have a billboard which is 300 square feet per side.
10. The Board found that Mr. Leshar testified that the proposed billboard will not be an LED sign. The billboard will be a wooden sign with vinyl covering and he will not use the billboard for a digital sign.
11. The Board found that Mr. Leshar testified that there is a holding pond on adjacent property and the billboard would have no adverse effect on the holding pond.
12. The Board found that Mr. Leshar testified that the proposed placement of the billboard is the only place he could place the sign without the need for a variance.
13. The Board found that Frank Fullmer was sworn in and testified about the Application. Mr. Fullmer initially opposed the Application because he feared that the proposed location of the billboard will limit his placement options for a billboard on his property. After realizing that he could apply for a variance, Mr. Fullmer withdrew his opposition to the Application and testified that the proposed

billboard will not substantially adversely affect the uses of the neighboring and adjacent properties.

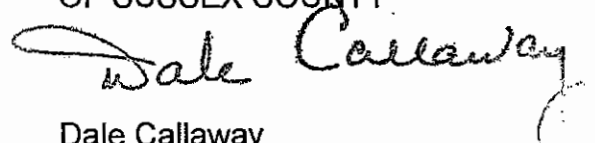
14. The Board found that two (2) parties appeared in support of the Application.
15. The Board found that one (1) party appeared in opposition to the Application.
16. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board has considered and weighed, 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 along Long Neck Road in a well-traveled, commercial zone where other commercial properties and billboards are located. The testimony indicates that there are other billboards within 2 miles of this site.
 - b. The Applicant intends to construct the billboard so that it complies with all setback, height, and separation distance requirements while also providing adequate structural integrity.
 - c. No evidence was presented which convinced the Board that the billboard would have a substantial adverse effect on neighboring and adjacent properties.
17. The Board approved the Application based on the following conditions.
 - a. The size of the sign is limited to 200 square feet per side.
 - b. The messaging on the sign must be static in nature. No digital, electronic message centers, variable message signs, or similar messaging on the sign is permitted.

The Board granted the special use exception application with conditions 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 with conditions. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Brent Workman, and Mr. Norman Rickard. No Board Members voted against the Motion to approve the special use exception with conditions.

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 January 26, 2016