

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ERNEST DE ANGELIS, JR.

(Case No. 11950)

A hearing was held after due notice on April 17, 2017. 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 Lewes-Georgetown Highway and Route 404 (Route 9 / 404) approximately 770 feet southwest of Road 262 (911 Address: None Available); said property being identified as Sussex County Tax Map Parcel Number 2-35-30.00-53.00. 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, aerial photographs of the Property, a letter from the Delaware Department of Transportation ("DelDOT"), and a site plan dated December 1, 2016.
2. The Board found that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Ernest DeAngelis was sworn in to testify about the Application.
4. The Board found that Mr. DeAngelis testified that the Property consists of approximately 10 acres.
5. The Board found that Mr. DeAngelis testified that the billboard will not substantially affect adversely the uses of neighboring and adjacent properties.
6. The Board found that Mr. DeAngelis testified that the Property is located in the Cool Springs area and the surrounding parcels are zoned commercial. Utility lines buffer one side of the Property and a railroad is located to the rear of the Property.
7. The Board found that Mr. DeAngelis testified that the billboard meets all setback requirements.
8. The Board found that Mr. DeAngelis testified that the proposed location of the billboard is at least 600 feet from the nearest existing billboard and 1,200 feet from the nearest existing electronic message center.
9. The Board found that Mr. DeAngelis testified that the billboard will be more than 150 feet from any church, school, or public lands.
10. The Board found that Mr. DeAngelis testified that the Department of Transportation ("DelDOT") submitted a letter of no objection.
11. The Board found that Mr. DeAngelis testified that the closest existing billboard is a half a mile from the proposed location heading east on Route 9. The proposed billboard will be located on the south side of Route 9.
12. The Board found that Mr. DeAngelis testified that all setback, height, and square footage requirements are met. The billboard will be 25 feet tall.
13. The Board found that Mr. DeAngelis testified that the proposed billboard will be a static billboard but the Applicant may request an electronic message center in the future.
14. The Board found that no parties appeared in support of or in opposition to the Application

15. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board finds credible, persuasive, and un rebutted, the Board determined that the application met the standards for granting a special use exception because the proposed static, 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 Route 9 in a well-traveled, commercial zone where other commercial properties and billboards are located. The testimony indicates that there is another billboard within 1/2 mile 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. The Property is a large parcel consisting of 9.3579 acres as is shown on the survey.
 - d. The Property will be improved by a mini storage facility and is located adjacent to other commercial property, a utility line easement, and a railroad. The billboard appears consistent with the use of the site.
 - e. The Applicant has obtained a letter of no objection from DeIDOT.
 - f. The messaging on the sign will be static in nature. No digital, electronic message centers, variable message signs, or similar messaging on the sign is proposed.
 - g. No evidence was presented which convinced the Board 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. Brent Workman, and Mr. Norman Rickard. No Board Members voted against the Motion to approve the special use exception.

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 May 16, 2017