

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: STOCKLEY MATERIALS, LLC

(Case No. 12193)

A hearing was held after due notice on September 10, 2018. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, Mr. John Mills, 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 east side of DuPont Boulevard (Route 113), approximately 434 feet north of Governor Stockley Road (911 Address: 25113 DuPont Boulevard (Route 113), Georgetown); said property being identified as Sussex County Tax Map Parcel Number 1-33-6.00-126.00. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a letter of no objection from the Delaware Department of Transportation ("DelDOT"), an application with DelDOT for an outdoor advertising permit, a site plan dated June 13, 2018, a deed to the Property, an aerial photograph of the Property, and a portion of the tax map of the area.
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 Ken Adams and Mark Davidson were sworn in to testify about the Application. Mr. Davidson is the engineer for the project.
4. The Board found that Mr. Davidson testified that the Property is located on the east side of Route 113 and consists of 1.5 acres. The front portion of the site is zoned C-1 and the rear portion is zoned AR-1. The sign will be located on the C-1 portion of the Property.
5. The Board found that Mr. Davidson testified that the monopole sign will measure 300 square feet per side and will be smaller than the maximum size requirement for such signs. The sign will measure 35 feet tall and the bottom of the sign will be 23 feet from ground level. The sign will be back-to-back and will be wrapped in a poster style.
6. The Board found that Mr. Davidson testified that the Applicant owns land to the north and across the highway where it operates Melvin Joseph and Stockley Tavern. Iron Source currently occupies the Property as a tenant but will not use the sign. Rather, the off-premises sign is intended to advertise the Applicants' businesses in the area.
7. The Board found that Mr. Davidson testified that the sign will meet all height, size, and setback requirements for this sign. The closest off-premise sign is approximately 744 feet to the north and there are no on-premises signs within 50 feet of the sign.
8. The Board found that Mr. Davidson testified that the sign will not adversely affect the use of neighboring properties as the neighboring properties are commercial and owned by the Applicant. There is no adverse impact on fire, hazard, public health, or safety and no variances are being requested. DelDOT has submitted a letter of no objection to the sign.
9. The Board found that Mr. Davidson testified that the sign will be illuminated but will not be an electronic message center.

10. The Board found that no parties appeared in support of or in opposition to the Application.
11. 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-premises 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 the east side of Route 113 in a well-traveled area.
 - b. The Property is used for commercial purposes and nearby properties are also commercial. The sign will be used to advertise businesses on other properties and will not be used to advertise on-premises businesses or uses.
 - c. The billboard will not be an electronic message center.
 - d. DeIDOT has submitted a letter of no objection to the proposed billboard.
 - e. The Applicant intends to construct the billboard so that it complies with all setback, height, size, and separation distance requirements.
 - f. There was no evidence that the sign would result in increased fire, safety, traffic, or other hazard risks.
 - 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, Ms. Ellen Magee, Mr. Bruce Mears, Mr. John Mills, and Mr. Brent Workman. No Board Member voted against the Motion to approve the special use exception application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


John Mills
Chairman

If the use is not established within two (2) years from the date below the application becomes void.

Date November 7, 2018.