

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: REED VENTURES, LLC

(Case No. 12722)

A hearing was held after due notice on July 18, 2022. The Board members present were: Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. John T. Hastings, Mr. Jordan Warfel, and Mr. John Williamson.

Nature of the Proceedings

This is an application for a special use exception to place an off-premises sign.

Findings of Fact

The Board found that the Applicant is seeking a special use exception to place an off-premises sign. This application pertains to certain real property located on the west side of Coastal Highway (Route 1) approximately 792 feet northwest of Postal Lane (911 Address: 18422 Coastal Highway, Lewes); said property being identified as Sussex County Tax Map Parcel Number 334-6.00-479.00 ("the Property"). After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a letter of no objection from DelDOT, schematics of the signs, a site plan dated January 20, 2020, an email from the Applicant, 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 & Zoning received no correspondence in support of or in opposition to the Application.
3. The Board found that Joe Reed and Dale McAlister were sworn in to give testimony about the Application.
4. The Board found that Mr. McAlister testified that the Property is located along Route 1 adjacent to lands improved by a warehouse.
5. The Board found that Mr. McAlister testified that the billboard will be partially obstructed by a building. He noted that, as you approach the billboard heading south, you will always be able to see the left side and the right side will be able to be read as you get closer and that, when approaching the billboard heading north, it will not be obstructed by anything other than a few trees which can be trimmed. He stated that a lot of billboards are partially blocked all over the country.
6. The Board found that Mr. McAlister testified that there is a house on the Property.
7. The Board found that Mr. McAlister testified that they are seeking the special use exception as they feel this is the best use of the Property.
8. The Board found that Mr. McAlister testified that the sign will not alter the neighborhood and that the sign will meet the Code's setback and height requirements.
9. The Board found that Mr. McAlister testified that the off-premises sign will be a static sign. The Applicant preferred an electronic message center but cannot meet the DelDOT requirements. He noted that DelDOT has submitted a letter of objection for the static billboard and, if the special use exception is granted, the Applicant will receive a permit from DelDOT to erect the structure.
10. The Board found that Mr. McAlister testified that the Verizon store is about the length of a football field away from the location of the proposed billboard.
11. The Board found that Mr. Reed testified that one of the requirements is the you cannot be within 600 feet of an existing billboard and the Applicant submitted a survey to show their compliance with that and other requirements.

12. The Board found that Mr. Reed testified that the Property is adjacent to the Shore Distributors warehouse, which acts as a huge billboard, and is only 20 feet off Coastal Highway. He noted that there are businesses all along Route 1 as well.
13. The Board found that Mr. Reed testified that the structure on the Property has not been used as a dwelling for almost 30 years. He noted that the Property was previously used as Parsell's Funeral Home, an outdoor furniture sales facility, and, most recently, a clothing boutique called Willow Marie.
14. The Board found that Mr. Reed testified that he has owned the Property for about a year and the site was vacant before his purchase of the Property and is still currently vacant. He is looking for tenants to occupy the structure as a potential office for real estate or a law firm.
15. The Board found that Mr. Reed testified that he believes the house was built in the 1930s and that the Property will likely be redeveloped.
16. The Board found that Mr. Reed testified that the Property is surrounded by commercial uses and the structure is one of few houses left standing in this section of Route 1.
17. The Board found that Mr. Reed testified that there is no on-premises sign within 50 feet of the location of the proposed billboard.
18. The Board found that no one 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 special use exception because the 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 Applicant proposes to construct an off-premises sign which will meet the setback and height limitations for off-premises signs. Both sides of the sign will be static sign faces. No electronic message center is proposed.
 - b. The Property is located along Route 113 on a commercial property near other commercially zoned properties. The proposed sign is consistent with those uses.
 - c. DelDOT has submitted a letter of no objection to the proposed billboard.
 - d. The sign will emit no noise, emissions, odor, or vibrations.
 - e. The Applicant intends to construct the off-premises sign so that the sign comply with all setback, height, size, and separation distance requirements.
 - f. No evidence was presented which convinced the Board that the off-premises sign 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 Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. Travis Hastings, Mr. Jordan Warfel, and Mr. John Williamson. No Board Member voted against the Motion to approve the special use exception application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Jeffrey Chorman
Chair

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

Date September 12, 2022.