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New Cingular Wireless PCS v. Sussex County Bd. of Adjustment

Supreme Court of Delaware - May 9, 2013 - A.3d - 2013 WL 1943987

Telecommunications company sought judicial review of decision of county board of adjustment denying application for special use exception to construct a 100-foot telecommunications monopole on a commercially-zoned property.

Pursuant to county code, special use exceptions were to be granted unless the county adjustment board found the exception would “substantially affect adversely the uses of adjacent and neighboring property.”

The Supreme Court of Delaware held that the company was required only to show that use would not substantially adversely affect neighboring properties, rather than that use would have no adverse affect.

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