

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: S & E GALLO FAMILY LIMITED PARTNERSHIP Case No. 10801 – 2011**

A hearing was held after due notice on May 16, 2011. The Board members present were: Mr. Dale Callaway, Mr. Ronald McCabe, Mr. John Mills, Mr. Brent Workman and Mr. Jeff Hudson.

Nature of the Proceedings

This is an application for a variance from the corner side yard setback requirement.

Finding of Facts

The Board found that the Applicant was seeking a variance from the corner side yard setback requirements at the southwest corner of Route 1 and Bridge Road. The Applicant was requesting a 4' variance from the required 20' side yard setback for a proposed ground sign. After a hearing, the Board made the following findings of fact:

1. The Applicant's property is unique in that DelDOT required a landscaped buffer which limited the available space for the proposed sign, which is necessary to advertise the business.
2. The proposed sign will meet size limits established by the Code, and will not block the intersection or traffic flow.
3. Existing power lines also limit the available space for a sign.
4. The Owners' Association objected to the variance, suggesting that it violated restrictive covenants and also suggesting that the lot was no different than others in the area. The Board noted that it had no jurisdiction over private deed restrictions, but also noted that this was the only property in the area burdened by the required landscape buffer.
5. The Board determined that the application met the standards for granting a variance. The difficulty was created not by the Applicant, but by DelDOT requirements. It is necessary to enable reasonable use of the property, it will not adversely affect the area, and the request is the minimum necessary to afford relief.

The Board granted the requested variance.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board members voting in favor were: Mr. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman and Mr. Hudson; voting against – none.

**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 June 20, 2011.