

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DONALD G. D'AQUILA (Case No. 11101)

A hearing was held after due notice on November 19, 2012. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a variance of the front yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 15.3 feet from the 60 foot front yard setback requirement for a proposed second floor addition. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located east of Route 13 (Sussex Highway) approximately 684 feet south of Road 466 (Sycamore Road); said property being identified as Sussex County Tax Map Parcel Number 2-32-12.00-132.01. After a hearing, the Board made the following findings of fact:

1. Donald D'Aquila was sworn in and testified on behalf of the Application.
2. The Board found that Mr. D'Aquila testified that the building has been on the lot since the 1960's and that he has owned the Property since the 1970's.
3. The Board found that Mr. D'Aquila testified that the roof is dated and in need of repair and that he intends to build a second floor addition to the existing structure.
4. The Board found that Mr. D'Aquila testified that the proposed addition is needed for his existing business.
5. The Board found that Mr. D'Aquila testified that the proposed addition will be the same height as an existing two (2) story garage on the Property.
6. The Board found that Mr. D'Aquila testified that the existing building is only 850 square feet in size.
7. The Board found that Mr. D'Aquila testified that the existing garage is used to store parts and to house the Applicant's staff.
8. The Board found that Mr. D'Aquila testified that the Applicant runs a car sales business on site.
9. The Board found that Mr. D'Aquila testified that the size of the building makes it difficult for the Applicant to do business.
10. The Board found that Mr. D'Aquila testified that the proposed addition will not further encroach into the front yard setback than the existing building.
11. The Board found that Mr. D'Aquila testified that there is only one business operating on the Property.
12. The Board found that Mr. D'Aquila testified that the neighbors have no objection to the Application.
13. The Board found that Mr. D'Aquila testified that more space is needed to store files and parts on the site.
14. The Board found that Mr. D'Aquila testified that the use is not detrimental to public welfare.
15. The Board found that Mr. D'Aquila testified that there will be no adverse affect to the surrounding properties.
16. The Board found that Mr. D'Aquila testified that the variance will enable reasonable use of the Property.
17. The Board found that Mr. D'Aquila submitted pictures of the Property to the Board.

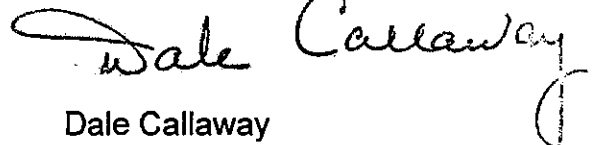
18. The Board found that no parties appeared in support of or in opposition to the Application.
19. After taking the matter under advisement, the Board tabled the case until December 10, 2012.
20. At its meeting on December 10, 2012, the Board discussed the Application before tabled its decision on this Application until December 17, 2012.
21. The Board discussed the Application at its meeting on December 17, 2012.
22. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application failed to meet the standards for granting a variance because the Applicant was creating his own difficulty.

The Board denied the variance application finding that it failed to meet the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the Application was denied. The Board Members voting to deny the Application were Mr. Jeff Hudson, Mr. John Mills, and Mr. Norman Rickard. Mr. Dale Callaway and Mr. Brent Workman voted against the Motion to Deny the Application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


Dale Callaway
Chairman

Date January 13, 2013.