

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DONALD LAVECCHIA AND ELSA LAVECCHIA

(Case No. 11238)

A hearing was held after due notice on July 15, 2013. 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 from the side yard setback requirement.

Findings of Fact

The Board found that the Applicants were seeking a variance of one (1) foot from the five (5) feet side yard setback requirement for an existing shed. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Road 362 (Parker House Road) west of Park Circle, being Lot 31, Block 4, within Plantation Park development; said property being identified as Sussex County Tax Map Parcel Number 1-34-16.00-278.01. After a hearing, the Board made the following findings of fact:

1. Elsa LaVecchia and Donald LaVecchia were sworn in to testify about the Application.
2. The Board found that the Applicants submitted pictures to the Board.
3. The Board found that Elsa LaVecchia testified that the Applicants purchased the Property in 2005.
4. The Board found that Elsa LaVecchia testified that the neighbors constantly complain about the Applicants.
5. The Board found that Elsa LaVecchia testified that there have been violent threats made and the police have been called to the Property.
6. The Board found that Elsa LaVecchia testified that the Applicants enclosed the Property with a fence and that the fence is needed to provide privacy.
7. The Board found that Donald LaVecchia testified that the fence is along the property line on the Applicant's property and is five (5) feet tall at its highest point.
8. The Board found that Donald LaVecchia testified that the variance was supposed to be for the fence.
9. The Board found that Donald LaVecchia testified that the shed has been moved into compliance and that a variance is not necessary for the shed.
10. The Board found that Patricia Georgarakis, Joan Wallace, and Elizabeth Larkin were sworn in and testified in opposition to the Application.
11. The Board found that Ms. Larkin testified that the Applicants do not meet the standards for granting a variance, that the Applicants choose to ignore rules and regulations, and that they are opposed to a variance for the shed.
12. The Board found that no parties appeared in support of the Application.
13. The Board found that three (3) parties appeared in opposition to the Application.
14. The Board found that the Office of Planning & Zoning received three (3) letters in opposition to the Application.
15. The Board voted to leave the record open for the limited purpose of allowing the Office of Planning & Zoning to investigate whether the variance for the shed was necessary.
16. On September 9, 2013, the Board discussed the Application and was advised by Lawrence Lank, Director of Planning & Zoning, that his office

has investigated the matter and determined that the shed has been moved into compliance and that no variance is necessary. Mr. Lank also advised the Board that the fence located on the Property has a valid permit and will be reduced in height to comply with the Sussex County Zoning Code.


17. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application should be denied because the shed has been brought into compliance with the setback requirements. The variance is no longer necessary.

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. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard and Mr. Brent Workman. No Member voted against the Motion to Deny the Application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


Dale Callaway
Chairman

Date October 28, 2013