

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ANTHONY CRIVELLA

(Case No. 11350)

A hearing was held after due notice on March 24, 2014. 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 Applicant was seeking a variance of 1.4 feet from the ten (10) feet side yard setback requirement and a variance of 0.2 feet from the ten (10) feet side yard setback requirement for an existing accessory structure larger than 600 square feet, and a variance of 0.4 feet from the ten (10) feet side yard setback requirement for an existing dwelling. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located northwest of Hebron Street (Road 273) across from Canal Crossing Road and 700 feet northeast of Burton Avenue and being Lot 88 and part of 89 within West Rehoboth Subdivision; said property being identified as Sussex County Tax Map Parcel Number 3-34-13.20-8.00. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning and Zoning received eight (8) letters and emails in support of the Application and had not received any correspondence in opposition to the Application.
2. Anthony Crivella was sworn in to testify on behalf of the Application.
3. The Board found that Mr. Crivella testified that he has owned the Property for eight (8) or nine (9) years.
4. The Board found that Mr. Crivella testified that he contracted with DeShields Construction to build a detached garage measuring thirty (30) feet by thirty-five (35) feet.
5. The Board found that Mr. Crivella testified that after construction the detached garage measured 30.1 feet by 36 feet.
6. The Board found that Mr. Crivella testified that he filed for a variance immediately after discovering the encroachment.
7. The Board found that Mr. Crivella testified that the dwelling was relocated to the Property in February 2013 from another property and that the Property was clearly marked for the mason to place the dwelling.
8. The Board found that Mr. Crivella testified that he does not know why the dwelling was not placed in compliance.
9. The Board found that Mr. Crivella testified that the surrounding properties are non-conforming and have encroachments.
10. The Board found that Mr. Crivella testified that his property is narrow in size which makes it unique.
11. The Board found that Mr. Crivella testified that the Property cannot otherwise be developed.
12. The Board found that Mr. Crivella testified that variance will enable reasonable use of the Property.
13. The Board found that Mr. Crivella testified that the difficulty was not created by him and that he relied on the contractor to build within the setbacks.

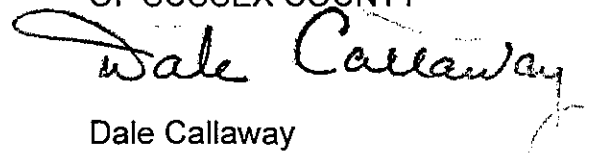
14. The Board found that Mr. Crivella testified that the variances will not alter the character of the neighborhood as his neighbors have homes closer to the property lines than what he is proposing.
15. The Board found that Mr. Crivella testified that the neighbors support the Application.
16. The Board found that Mr. Crivella testified that the variances are the least modifications of the regulations at issue.
17. The Board found that no parties appeared in support of or in opposition to the Application.
18. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The Property is unique because it is narrow. The variances are necessary to enable reasonable use of the Property. The Applicant relied on others to set the structures on the Property in compliance with the setback requirements. The difficulty was not created by the Applicant. The variances will not alter the essential character of the neighborhood. The variances will not be detrimental to the public welfare. The variances sought are the minimum variances necessary to afford relief.

The Board approved the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the Application was approved. The Board Members voting to approve 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 Approve the Application.

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 May 6, 2014