

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: LOUIS TRAVALINI

(Case No. 11416)

A hearing was held after due notice on July 7, 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 a special use exception requesting a determination, in a case of uncertainty, for accessory buildings on a vacant lot.

Findings of Fact

The Board found that the Applicant was seeking a special use exception requesting a determination, in a case of uncertainty, for accessory buildings on a vacant lot. This application pertains to certain real property located west of Road 347 (White's Neck Road) 240 feet south of Road 349 (Old Mill Road); said property being identified as Sussex County Tax Map Parcel Number 1-34-8.00-420.00. After a hearing, the Board made the following findings of fact:

1. Louis Travalini was sworn in to testify about the Application.
2. The Board found that Mr. Travalini testified that he obtained the structures from Jim's Hideway and put them on the Property because the accessory structures were going to be demolished if not moved right away.
3. The Board found that Mr. Travalini testified that he did not realize that the structures would not be permitted on the Property for personal use without a dwelling until he tried to obtain a building permit.
4. The Board found that Mr. Travalini testified that he plans to store his boat, vehicles, tractors, and other equipment in the buildings.
5. The Board found that Mr. Travalini testified that he and his family own the surrounding properties.
6. The Board found that Mr. Travalini testified that the adjacent properties have been designated to other family members and does not allow him to combine the lots to meet the acreage requirement for the proposed structures.
7. The Board found that Mr. Travalini testified that the structures are sitting on the Property, but no further work has taken place.
8. The Board found that Mr. Travalini testified that he moved the buildings prior to obtaining a building permit for the simple fact that a building permit was only required for the foundation of the structures.
9. The Board found that Mr. Travalini testified that the Property was previously used as a horse pasture.
10. The Board found that no parties appeared in support of or in opposition to the Application at the July 7, 2014 hearing.
11. The Board voted to re-advertise the Application and schedule another public hearing.
12. On August 18, 2014, the Board held a second public hearing on this Application.
13. Mr. Travalini was sworn in and testified regarding the Application.
14. The Board found that Mr. Travalini testified that there have been no changes to the Application since the July 7, 2014 public hearing.
15. The Board found that Mr. Travalini testified that the two (2) structures on the Property measure 24 feet by 80 feet and 33 feet by 41 feet.
16. The Board found that Mr. Travalini testified that the accessory structures will be used for the Applicant's personal use and not for business use.
17. The Board found that Mr. Travalini testified that he originally wanted to use the accessory structures for a business, but the Delaware Department of

- Transportation ("DelDOT") and State Fire Marshal requirements were too expensive.
18. The Board found that Mr. Travalini testified that the Applicant and family members own the adjacent vacant properties.
 19. The Board found that Mr. Travalini testified that he owns the lot to the north of the Property and the lot to the rear of the Property.
 20. The Board found that Mr. Travalini testified that his daughter owns the lot on the south side of the Property.
 21. The Board found that Mr. Travalini testified that there are similar structures in the area.
 22. The Board found that Mr. Travalini testified that there is a daycare located on the adjacent property.
 23. The Board found that Mr. Travalini testified that he plans to store classic cars in the structures.
 24. The Board found that Mr. Travalini testified that he also moved a manufactured home on a nearby property to keep it from demolition.
 25. The Board found that Mr. Travalini testified that the adjacent property has been designated for family members and that is why he did not combine the lots to correct the issue.
 26. The Board found that no parties appeared in support of or in opposition to the Application.
 27. The Board tabled its decision on the Application until September 8, 2014.
 28. Prior to the hearing on September 8, 2014, the Applicant submitted a request to withdraw the Application.
 29. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, the Board determined that the application met the standards for granting a special use exception because the use will substantially affect adversely the uses of adjacent or neighboring properties. There is no dwelling on the Property and the use is inconsistent with the neighborhood. The Applicant also submitted a request to withdraw the Application but it was not submitted in a timely fashion and the Board could not grant the withdrawal request.

The Board granted the special use exception application finding that it failed to meet the standard for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the special use exception application was denied. The Board Members in favor of the Motion to Deny the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to deny the special use exception application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


Dale Callaway
Chairman

Date October 21, 2014