

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

**IN RE: NICHOLAS CAGGIANO**

**(Case No. 11436)**

A hearing was held after due notice on August 18, 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 front yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of ten (10) feet from the twenty (20) feet side yard setback requirement for a proposed on-premise sign. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Savannah Road (Business Route 9) 1/10 mile west of Orchard Road (911 Address: 17725 Coastal Highway, Lewes, Delaware); said property being identified as Sussex County Tax Map Parcel Number 3-34-6.00-23.00. After a hearing, the Board made the following findings of fact:

1. Richard Haxton and Michael Glick were sworn in to testify on behalf of the Application.
2. The Board found that Mr. Haxton submitted exhibits to the Board to review.
3. The Board found that Mr. Haxton testified that the proposed two-sided sign will be used for tenants in the Ocean One Business Park.
4. The Board found that Mr. Haxton testified that the proposed sign will be located on the east side of the entrance to the Property.
5. The Board found that Mr. Haxton testified that a stormwater management pond is located on the west side of the entrance to the Property.
6. The Board found that Mr. Haxton testified that the adjacent property on the west side of the Property has an existing tree line that would block the view of the sign.
7. The Board found that Mr. Glick testified that the trees are owned by an adjoining property owner.
8. The Board found that Mr. Haxton testified that it is not feasible to place the sign on the west side of the entrance.
9. The Board found that Mr. Haxton testified that the proposed sign will be on the part of the Property closest to Savannah Road.
10. The Board found that Mr. Haxton testified that the Property is unique due its narrow frontage along Savannah Road.
11. The Board found that Mr. Haxton testified that the proposed location of the sign will enable traffic to find the entrance safely.
12. The Board found that Mr. Haxton testified that the sign will not alter the character of the neighborhood.
13. The Board found that Mr. Haxton testified that the difficulty was not created by the Applicant.
14. The Board found that Mr. Haxton testified that the variance is the minimum variance to afford relief.
15. The Board found that Mr. Haxton testified that the sign will be a two-sided sign.
16. The Board found that Mr. Glick testified that the Property has been approved for a total of four (4) buildings and that the buildings are designed where they could be subdivided.

17. The Board found that Mr. Glick testified that all tenants would be named on the sign.
18. The Board found that Mr. Glick testified that the sign will be approximately seventeen (17) feet tall and that the sign will be under 200 square feet.
19. The Board found that Mr. Haxton testified that the Property is unique due to the location of the stormwater management pond and that the pond cannot be relocated.
20. The Board found that Mr. Haxton testified that the sign is outside the area of the easement held by the Delaware Department of Transportation ("DelDOT").
21. The Board found that Mr. Haxton testified that the variance is necessary to enable reasonable use of the Property.
22. The Board found that Mr. Haxton testified that the proposed sign meets all other setback requirements and does not exceed the maximum square-footage or maximum height requirement for an on-premise sign.
23. The Board found that no parties appeared in support of or in opposition to the Application.
24. 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 variance. The Property is unique because a storm water management pond is located on the west side of the entrance to the Property which limits the placement of the sign for a planned business park. The Property is also unique due to its limited road frontage along Savannah Road. A line of trees on neighboring property to the west limits visibility and makes a sign on the west side of the entrance to the Property not feasible. These unique circumstances make it necessary for the Applicant to place a sign on the east side of the entrance to the Property where a variance is needed. The variance is thus necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. The variance will not alter the essential character of the neighborhood. The variance sought is the minimum variance 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 September 23, 2014