

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: PAUL LICCIARDELLO

(Case No. 11979)

A hearing was held after due notice on June 19, 2017. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for variances from the front yard, side yard, and rear yard setback requirements.

Findings of Fact

The Board found that the Applicant is seeking a variance of 8.3 feet from the ten (10) feet side yard setback requirement on the northwest side for an existing ramp, a variance of 3.0 feet from the ten (10) feet side yard setback requirement on the northeast side for an existing dwelling, a variance of 3.6 feet from the ten (10) feet side yard setback requirement on the southeast side for an existing dwelling, a variance of 6.7 feet from the thirty (30) feet front yard setback requirement for an existing dwelling, a variance of 7.8 feet from the twenty (20) feet rear yard setback requirement for an existing dwelling, a variance of 3.3 feet from the five (5) feet rear yard setback requirement for an existing shed, and a variance of 3.8 feet from the five (5) feet rear yard setback requirement for an existing shed. This application pertains to certain real property located on the northwest side of Bridgeway Drive East approximately 291 feet southwest of Woodland Circle (911 Address: 32761 Bridgeway Drive East, Lewes); said property being identified as Sussex County Tax Map Parcel Number 2-34-11.20-210.00.

1. The Board was given copies of the Application, a portion of the tax map of the area, an aerial photograph of the Property, a letter of support from Matthew & Colleen Mercadante, and a survey of the Property dated January 17, 2017.
2. The Board found that the Office of Planning and Zoning received one (1) letter in support of the Application and no correspondence in opposition to the Application.
3. The Board found that Paul Licciardello and Mario Licciardello were sworn in to testify about the Application and submitted exhibits to the Board to review.
4. The Board found that Paul Licciardello testified that he is the executor of his father's estate and his father passed away in October 2016.
5. The Board found that Paul Licciardello testified that the Property is located in the Angola by the Bay development.
6. The Board found that Paul Licciardello testified that he acquired ownership of the Property after his father passed away and he has made no additions to the improvements on the Property.
7. The Board found that Paul Licciardello testified that the Rubbermaid sheds identified as "boxes" on the survey are being removed but the shed cannot be moved into compliance.
8. The Board found that Paul Licciardello testified that the original structure on the Property was a manufactured home and his father obtained permits for an addition to the dwelling in 1992 or 1993.
9. The Board found that Paul Licciardello testified that the existing ramp was added in 2008 for use by his mother who was suffering from cancer at the time. His father received approval from the community for the ramp.
10. The Board found that Paul Licciardello testified that the manufactured home was on the Property when his father purchased the Property.

convinced that the dwelling and structures will have no effect on the character of the neighborhood. The structures on the Property have been in their present locations for many years as well. Despite the longstanding locations of these structures, no complaints were noted in the record about the locations of the structures. Rather, the Board received a letter of support from neighbors. Furthermore, no evidence was presented which would indicate that the variances would somehow alter the essential character of the neighborhood or be detrimental to the public welfare. The Board also notes that the front yard of the Property does not match the edge of paving of East Bridgeway Drive thereby making the front of the property appear larger than it actually is. The front yard encroachment is thus unlikely to be noticed. Likewise, the rear yard encroachment is unlikely to be noticed as the rear of the lot is adjacent to lands owned by the homeowners association.

- e. The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The Applicant has demonstrated that the variances sought will allow the Applicant to retain a reasonably sized dwelling and related structures on the Property. The Applicant does not intend to make any additions to the structures and only seek the variances to allow the existing structures to remain in their current locations.

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

Decision of the Board

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor were Mr. Dale Callaway, Ms. Ellen Magee, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve the variance 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 August 22, 2017