

BAIRD
MANDALAS
BROCKSTEDT LLC

JOHN W. PARADEE
(302) 677-0061
john@bmbde.com

October 14, 2024

VIA ELECTRONIC & REGULAR MAIL

Town of Bridgeville Board of Adjustment
c/o Bethany DeBussy, Town Manager
Town of Bridgeville
101 N. Main Street
Bridgeville, Delaware 19933

**RE: Application for Variance from Town Code Section 234-91(B)(4)
Lands of Bridgeville Laundry & Car Wash & Mini Storage, LLC
Tax Parcel #131-10.00-83.00**

Honorable Members of the Board of Adjustment:

As legal counsel for Bridgeville Laundry & Car Wash & Mini Storage, LLC (the "Applicant"), the owner of property located within the territorial limits of the Town of Bridgeville, more particularly identified as Sussex County Tax Parcel #131-10.00-83.00 (the "Property"), I write to respectfully request that the Town's Board of Adjustment grant the Applicant a variance from the 15-foot landscape buffer requirement set forth in Section 234-91(B)(4) of the Town Code.

The requested variance is necessary because the project was initially designed and approved without any such requirement, and it is now impossible to redesign and/or relocate any part of the stormwater management facility on the northern boundary of the Property in order to accommodate a 15-foot landscape buffer.

The legal test for an area variance of the sort here requested is "exceptional practical difficulty". As the Delaware Supreme Court stated in the landmark case of Board of Adjustment of New Castle v. Kwik-Check Realty, Inc., 389 A.2d 1289 (Del. 1978):

The inability to improve one's business, or to stay competitive as a result of area limitations, may be a legitimate "exceptional practical difficulty" that would justify a grant of a variance. Such practical difficulty is present where the requested dimensional change is minimal and the harm to the applicant if the variance is denied will be greater than the probable effect on neighboring properties if the variance is granted. Therefore, to determine if the difficulties presented by the owner are practical rather than theoretical, and exceptional rather than routine, the Board should take into consideration the nature of the zone in which the property lies, the character of the immediate vicinity and the uses contained therein, whether, if the restriction upon the applicant's property were removed, such removal would seriously affect such neighboring property and uses; whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to his efforts to make normal improvements in the character of that use of the property which is a permitted use under the use provisions of the ordinance.

In the instant case, there is simply not enough space between the stormwater management facility on the northern side of the Property and the northern boundary of the Property to accommodate a 15-foot landscape buffer. That said, the Applicant believes that there is sufficient space available to install a landscape buffer ranging in depth from 5-10 feet, and the Applicant is both willing and prepared to install the maximum depth of landscape buffer possible within this range along the northern boundary of the Property. Furthermore, given the inability of the Applicant to improve/expand its business absent a grant of the requested variance, the Applicant is indeed facing "a legitimate exceptional practical difficulty" that would justify a grant of the requested variance. The requested dimensional change is minimal (no more than 5-10 feet), and the harm to the Applicant if the variance is denied (the Applicant will not be able to improve/expand its business) would be much greater than the probable effect on neighboring properties if the variance is granted (i.e., the neighboring properties would still realize the benefit of a 5-10 landscape buffer).

For all of the foregoing reasons, the Applicant prays that the Board of Adjustment grant the requested variance. A completed variance application form is enclosed herewith, and I respectfully request that this letter be accepted and incorporated as the narrative contemplated by the variance application form.

Town of Bridgeville Board of Adjustment

October 14, 2024

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Thank you for your courtesy and consideration. If you should have any questions whatsoever, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "John W. Paradee". The signature is stylized with a large, looped initial "J" and a long, sweeping tail.

John W. Paradee

JWP/lwr

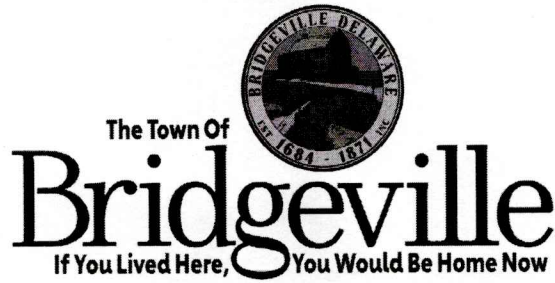
Enclosure

cc: Robert Parnell (w/enclosure)

Roger Gross, P.E. (w/enclosure)

[Handwritten signature]

Form 1040-ES
Prepared by



VARIANCES, CONDITIONAL USE APPROVAL & ZONING CHANGE
APPLICATION 4

Applicant (Company) Name: Bridgeville Laundry & Car Wash & Mini Storage, LLC
Contact Person: John W. Paradee, Esq. (Baird Mandalas Brockstedt & Federico, 6 S. State Street, Dover, DE 19901)
Project Title/Name Bridgeville Self-Storage Addition
Town Assigned Project Review Application number (from Form 1) Project #23389

Applicant Request

Variance For variance from Code Section 234-91B requested, for a reduced landscape buffer
 Conditional Use Approval For _____
 Zoning Change For _____

Required Information

The Application information must be submitted in writing to the Administrator with this application:

- Statement of the type of relief, permission, or review requested.
- Information about the property for which the application or review is being made.
- Narrative providing information to support the application including the provisions of Chapter 234 and a statement as to how the application complies with those provisions.
- Plans or drawings that support or clarify the relief or permission requested.
- Information requested by the Board or information that may support this application.

The burden of proof is on the applicant. AN applicant for an administrative review, variance, conditional uses, or Zoning change shall have the burden of presenting the information needed by the Board to decide.

Reference Town Code Chapters 234-23, 234-24, and 234-93 for a complete description of the required information and process.

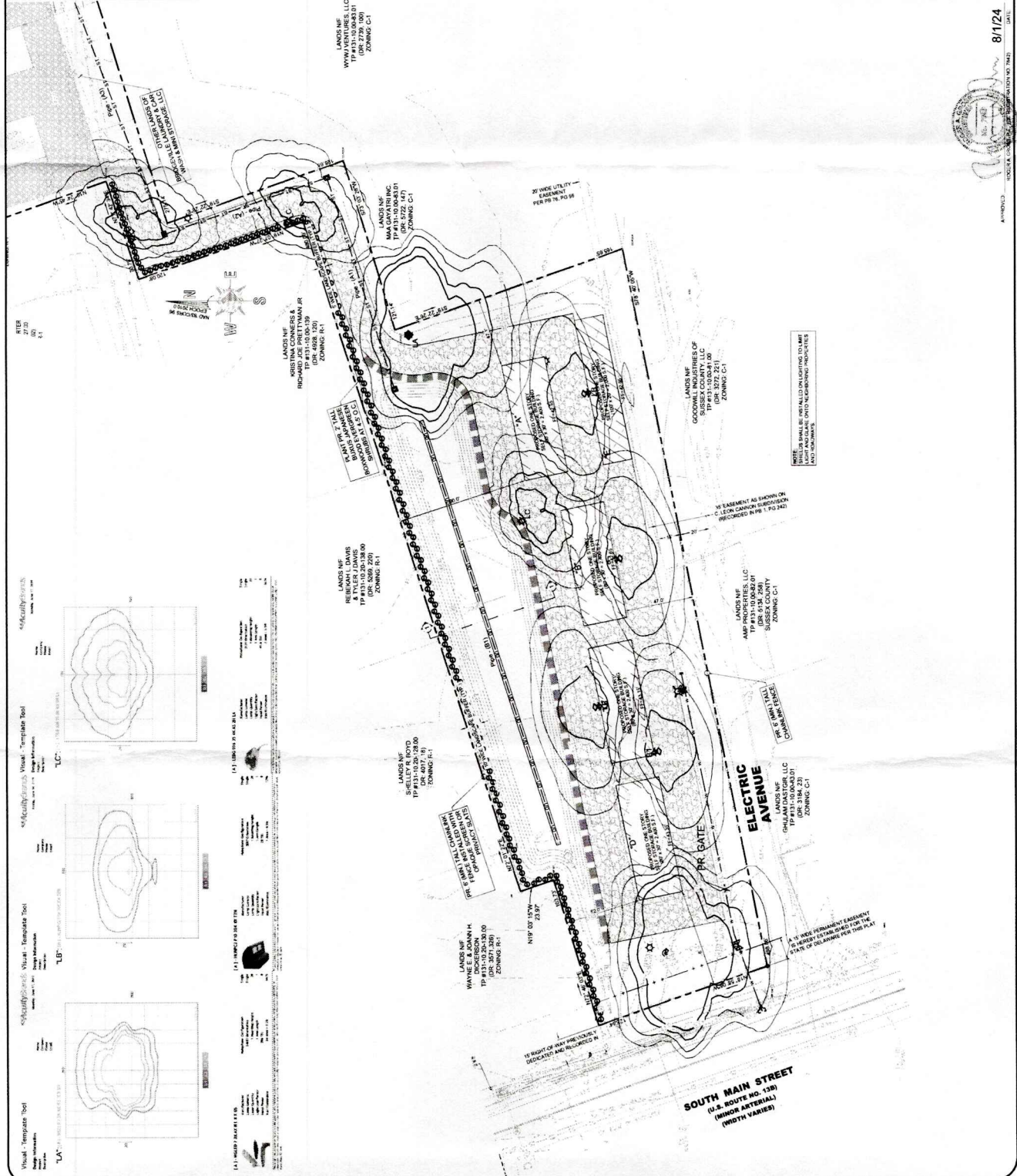
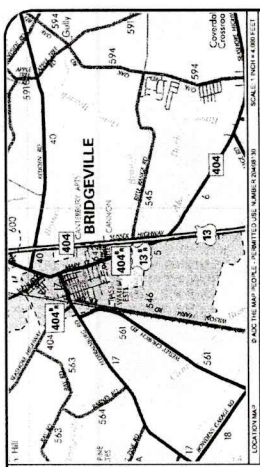
Applicant Signature

The Applicant & property owner understand that all certifications on Form 1, the Initial project review application continue to apply.

Signature of Applicant _____
Date of Applicant (s) October 14, 2024
Print Name (s) John W. Paradee, Attorney for Applicant
Date Signed October 14, 2024

John W. Paradee, ATTY IN FACT

Date Form 4 Received by Town: OCTOBER 14, 2024
Reviewed By: [Signature]



- LEGEND**
- PROPERTY LINE
 - BOUNDARY LINE
 - EXISTING CONTOUR
 - EXISTING ROAD
 - STORM DRAIN
 - SEWER LINE
 - WATER LINE
 - PERMITS
 - CHANGED STONE
 - BLACK TOP PAVEMENT
 - SEWER
 - UTILITY
 - EXISTING CONTOUR
 - PROPOSED CONTOUR
 - PROPOSED ROAD
 - PROPOSED STORM DRAIN
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 - PROPOSED PERMITS
 - PROPOSED CHANGED STONE
 - PROPOSED BLACK TOP PAVEMENT
 - PROPOSED SEWER
 - PROPOSED UTILITY

LIGHTING & LANDSCAPING PLAN
 FOR PROPERTY KNOWN AS
BRIDGEVILLE SELF STORAGE ADDITION
 100 SUSSEX HIGHWAY
 BRIDGEVILLE LAUNDRY & CAR WASH & MINI STORAGE, LLC
 SITUATE IN BRIDGEVILLE, SUSSEX COUNTY, STATE OF DELAWARE
 TAX PARCEL # 131-10-00-83.00
 SCALE: 1" = 30'

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MERESTONE CONSULTANTS, INC.
 ENGINEERS - PLANNERS - SURVEYORS
 3315 CROSSING AVENUE
 WILMINGTON, DE 19808
 UNIT 1 FIVE FOUR SQUARE
 WILMINGTON, DE 19808
 PH: 302-236-8800
 FAX: 302-236-8800

DATE: 12 JUNE 2018
 DRAWN BY: MMG
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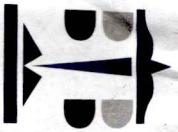
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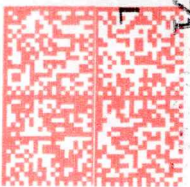
BAIRD
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6 S. State Street
Dover, DE 19901

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Town of Bridgeville Board of Adjustment
c/o Bethany DeBussy, Town Manager
Town of Bridgeville
101 N. Main Street
Bridgeville, Delaware 19933



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