

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DENISE A. VIOLETTE

Case No. 10779 – 2011

A hearing was held after due notice on April 4, 2011. The Board members present were: Mr. Dale Callaway, Mr. Ronald McCabe, Mr. John Mills, Mr. Brent Workman and Mr. Jeff Hudson.

Nature of the Proceedings

This is an application for a special use exception to maintain a garage/studio apartment and a variance from the maximum square footage requirement for an apartment.

Finding of Facts

The Board found that the Applicant was seeking a special use exception to maintain a garage/studio apartment, and a variance from the maximum square footage limit for an apartment, on a parcel west of Road 285 (Beaver Dam Road). After a hearing, the Board made the following findings of fact:

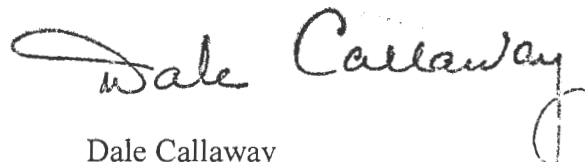
1. The Applicant wishes to legitimize a studio apartment within an existing detached structure. The structure includes a first floor and loft exceeding the 800 sq. ft. limit by 15 sq. ft., prompting the need for the variance.
2. The Applicant purchased the property in 2005, and the structure already existed. The prior owner had begun construction to convert it into a separate dwelling unit and including a kitchen, and the Applicant completed the work and has actually been renting the apartment for several years.
3. The Applicant testified that the studio apartment will not adversely affect other properties, and the fact that it has existed for several years without complaint supports that testimony.
4. The apartment is rented on a yearly basis, and not to transient visitors.
5. The Board has previously denied variances to exceed the 800' limit, but considered an additional 15 square feet to be minimal.
6. The Applicant's neighbors support the proposal, and no persons appeared in opposition.

The Board granted the special use exception and the variance.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board members voting in favor were: Mr. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman and Mr. Hudson; voting against – none.

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 9, 2011