

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

**IN RE: CAMERON FITZGERALD (Case No. 10915)**

A hearing was held after due notice on December 19, 2011. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. Ronald McCabe, Mr. John Mills, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a variance of the rear yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 5 feet from the 15 foot side yard setback requirement and a variance of 5 feet from the 20 foot rear yard setback requirement for a proposed garage. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located west of Road 285 (Beaver Dam Road) approximately 1,900 feet north of Road 285 (Hopkins Road); said property being identified as Sussex County Tax Map Parcel Number 2-34-6.00-438.00. After a hearing, the Board made the following findings of fact:

1. Cameron Fitzgerald and Casey Brown testified on behalf of the Applicant.
2. The Board found that the Applicant purchased the Property in 2010 and repaired the dwelling which had been damaged by a fire when owned by the previous owner.
3. The Board found that the Applicant seeks to build a garage on the Property but wishes to preserve several large oak trees on the Property. Due to the location of those trees, the Applicant is unable to build an attached garage or a garage within the setback requirements.
4. The Board also found that there are several evergreen trees planted on the property line.
5. The Board found that the proposed garage is 28 feet by 28 feet.
6. No persons appeared in opposition or in support of the Application.
7. Based on the findings above and the testimony presented at the public hearing, the Board determined that the application met the standards for granting a variance. The variances sought are the minimum to afford relief and will not alter the essential character of the neighborhood.

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 application was granted. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. Ronald McCabe, Mr. John Mills, and Mr. Brent Workman. No Members of the Board voted in opposition to 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 March 22, 2012.