

## BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

### IN RE: G. KEVIN CHALOUPKA (Case No. 10924)

A hearing was held after due notice on January 9, 2012. 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 of the side yard setback requirement.

#### Findings of Fact

The Board found that the Applicant was seeking a variance of 10.7 feet from the 15 foot side yard setback requirement for an existing detached garage. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Route 16 (Broadkill Road) approximately 400 feet east of Road 236 (Turtle Pond Road); said property being identified as Sussex County Tax Map Parcel Number 2-35-9.00-12.01. After a hearing, the Board made the following findings of fact:

1. The existing detached garage located on the Property was built in 1986.
2. The previous owners inherited the Property in 2008 from their parents.
3. The Applicant purchased the Property in December 2011.
4. A survey conducted in 2011 showed the encroachment and the need for a variance as the existing detached garage does not conform to the setback requirements under the Sussex County Zoning Code.
5. The existing detached garage cannot be relocated.
6. The existence of the detached garage was not created by the Applicant.
7. The location of the existing detached garage is unique because of the location of the structures and the driveway.
8. The existence of the garage does not alter the character of the neighborhood since it has been at the same location since 1986.
9. Shannon Carmean, Esquire, was present on behalf of the Applicant.
10. No persons appeared in opposition to or in favor of the Application.
11. 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 property is unique because of the circumstances. The need for a variance was not caused by the Applicant. The variances sought are the minimum to afford relief and will not alter the character of the neighborhood. The variance is needed to enable reasonable use of the property. The variance would not alter the essential character of the neighborhood since the garage has been on the property in the same location since 1986.

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. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Member voted against 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.

Revised Date February 9, 2012