

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CHRISTOPHER LOPEZ (Case No. 10932)

A hearing was held after due notice on January 23, 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 variances of the front yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 8.43 feet from the 10 foot side yard setback requirement for a proposed addition and a 32.22 foot variance from the 40 foot front yard setback requirement for an existing structure. The Applicant has requested that the aforementioned requested variances be granted as it pertains to certain real property located northeast of Route 113 (DuPont Boulevard) 1,420 feet south of Road 321 (Woodbranch Road); said property being identified as Sussex County Tax Map Parcel Number 1-33-2.00-21.00. After a hearing, the Board made the following findings of fact:

1. Mark Davidson and Doug Barry testified on behalf of the Applicant.
2. The Board found that the Applicant has been approved for a Conditional Use to operate a car repair business and that the neighboring property to the south of the Property also has an approved Conditional Use. The property to the north side of the Property houses the Georgetown Speedway.
3. The Board found that the existing dwelling was constructed in the 1960s and is only 7.78 feet from the front yard property line and that the Applicant intends to use maintain the dwelling for use as his office and storage area.
4. The Board found that the Applicant proposes to construct a 30 foot by 40 foot addition to the rear of the dwelling for his car repair shop and that the addition will be 1.86 feet from the side property line. The Board found that the Applicant intends to construct the addition to be in line with the character of the existing dwelling.
5. The Board found that the existing dwelling is 1.86 feet from the side property line.
6. The Board found that Mr. Davidson testified that the Delaware Department of Transportation requires the Applicant to construct an entrance that could service the Property and his neighbor's property. According to Mr. Davidson, if the Applicant's neighbor decided to expand his business, he would have to use this entrance.
7. The Board found that Alton Stack and Wendy Stack appeared and testified in opposition to the Application. The Stacks live next door to the Property and operate a business under a Conditional Use approval. They testified that they have privacy and traffic concerns. They also do not wish to share the entrance but do not plan to expand their business either.
8. The Board found that the Conditional Use for the Property included a restriction on the hours of operation from 7:00 A.M. to 6:00 P.M. Monday through Friday and 7:00 A.M. to 2:00 P.M. on Saturday.
9. Two (2) persons appeared in opposition to the Application.
10. No additional persons appeared in support of the Application.
11. The Board originally tabled the Application but rendered its decision at its meeting on February 6, 2012.
12. 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

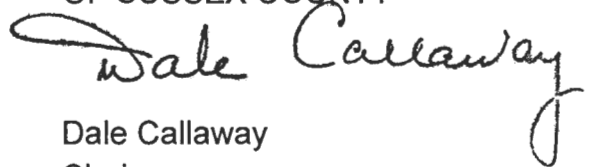
variance. The Property is unique due to the size of the lot and due to the fact that the existing structure is non-conforming. The difficulty was not caused by the Applicant. The variances sought are the minimum to afford relief and will not alter the essential character of the neighborhood. The variances are needed to enable reasonable use of the property.

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. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No 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.

Date March 22, 2012.