

## BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

### IN RE: MATTHEW D. WILLIAMS AND CHERIE L. WILLIAMS (Case No. 10973)

A hearing was held after due notice on May 21, 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 rear yard and side yard setback requirements.

#### Findings of Fact

The Board found that the Applicants were seeking a variance of 10.6 feet from the 20 foot rear yard setback requirement and a variance of 6.9 feet from the 15 foot side yard setback requirement for an existing detached garage. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located west of Road 82 (Hickory Hill Road) northeast corner of Summer Road and Fall Road, being Lot 3 within John C. Hudson Subdivision #2 development; said property being identified as Sussex County Tax Map Parcel Number 2-33-9.00-57.00. After a hearing, the Board made the following findings of fact:

1. Matthew Williams and Cherie Williams testified on behalf of the Application.
2. The Board found that the Applicants testified that the detached garage was built in 2000. Matthew Williams testified that in 2002 he applied for a building permit for a family room addition and that he was denied a building permit at that time because there was not Certificate of Compliance issued on the detached garage.
3. The Board found that the Applicant testified that he completed the electrical and plumbing inspections on the garage and was then given a building permit but that he was unaware at that time that the detached garage did not comply with the setback requirements.
4. The Board found that the Applicant testified that he has applied for another building permit and received a letter from Planning & Zoning which stated that a Certificate of Compliance had never been issued for the detached garage and that the detached garage did not meet the required setback requirements.
5. The Board found that the Applicants testified that the location of the septic drain field prevents the garage from being built or moved into compliance.
6. The Board found that the Applicants testified that they were not permitted to have two entrances on the Property and that they relied on their builder to construct the detached garage.
7. The Board found that the Applicants testified that the Property cannot be otherwise developed, that the variance will enable reasonable use of the Property, and that they submitted letters of support from their neighbors.
8. The Board found that Jim Hitchens testified that he owns the adjacent property and has no objection to the Application.
9. The Board found that Rick Stone was testified that he is also an adjacent neighbor and has no objection to the Application.
10. The Board found that the Applicants submitted three (3) letters in support of the Application.
11. The Board found that two (2) parties appeared in support of the Application.
12. The Board found that no parties appeared in opposition to the Application.
13. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The Property is unique due to the location of the existing septic drain field. The variance will enable the reasonable use of the

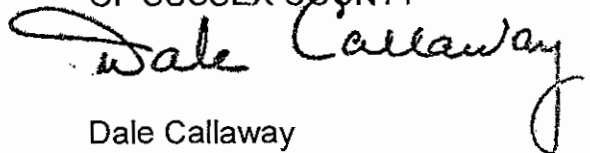
Property. The variance will not alter the essential character of the neighborhood and is the minimum variance to afford relief. The need for the variance was not created by the Applicant.

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 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 June 19, 2012