

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

**IN RE: JOHN E. WILLIS (Case No. 10990)**

A hearing was held after due notice on June 4, 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 3.6 feet from the required 10 foot side yard setback requirement for a proposed garage with an overhang. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located west of Road 350 (Railway Road), being Lot 3 within Banksville Park development; said property being identified as Sussex County Tax Map Parcel Number 1-34-12.00-60.00. After a hearing, the Board made the following findings of fact:

1. John Shockley appeared at the hearing and testified on behalf of the Application.
2. The Board found that Mr. Shockley testified that he is the brother-in-law of the Applicant. Mr. Shockley testified that the Applicant has removed the existing detached garage located on the Property and intends to place a new garage on the Property to store his automobiles, a recreational RV or a boat.
3. The Board found that Mr. Shockley testified that the proposed attached garage will be less of an encroachment into the setback area than the previous detached garage.
4. The Board found that Mr. Shockley testified that the dwelling and existing detached garage already existed when his brother purchased the property in 1998.
5. The Board found that Mr. Shockley testified that the variance, if granted, will improve the character of the neighborhood since it will provide inside storage for Applicant's vehicles.
6. The Board found that Mr. Shockley testified that the garage will be built to closely match the décor of the dwelling.
7. The Board found that Mr. Shockley testified that the existing location of the dwelling creates a unique situation.
8. The Board found that Mr. Shockley testified that the Property cannot be otherwise developed, that the variance enables reasonable use of the Property, and that it will not alter the character of the neighborhood.
9. The Board found that Mr. Shockley submitted pictures of the Property to the Board.
10. The Board found that no parties appeared in opposition to or in support of the Application.
11. 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. The variance is necessary to enable 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 July 3, 2012