

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

**IN RE: RICHARD G. HARRIS and DEBORAH L. HARRIS (Case No. 11025)**

A hearing was held after due notice on August 20, 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 Applicants were seeking a variance of 1.7 feet from the 15 foot side yard setback requirement for an existing attached garage. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located southwest corner of Old Mill Pond Road & Old Mill Bridge Road, being Lot 10 within Mill Creek Acres development; said property being identified as Sussex County Tax Map Parcel Number 5-33-12.00-31.00. After a hearing, the Board made the following findings of fact:

1. Richard Harris was present and sworn in to testify about the Application.
2. Manaen Robinson, Esquire, presented the Application on behalf of the Applicants.
3. The Board found that Mr. Robinson stated that the Applicants purchased the Property on September 21, 2011, and that the survey completed for settlement showed the existing attached garage located on the Property encroached into the side yard setback.
4. The Board found that Mr. Robinson stated that the dwelling was constructed in 1981.
5. The Board found that Mr. Robinson stated that the attached garage was constructed in 1987.
6. The Board found that Mr. Robinson stated that the Applicants would have to tear down a portion of the garage in order to comply with the Sussex County Zoning Code.
7. The Board found that Mr. Robinson stated that the variance will enable reasonable use of the Property.
8. The Board found that Mr. Robinson stated that the variance will not alter the character of the neighborhood because the garage has been in place for many years.
9. The Board found that Mr. Harris confirmed, under oath, the statements made by Mr. Robinson.
10. The Board found that the Applicants submitted a petition in support of the Application containing signatures of five (5) parties in favor of the Application..
11. The Board found that no parties appeared in support of or in opposition to the Application.
12. 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 as it is narrow and is a corner lot. The variance will enable reasonable use of the Property. The variance will not alter the essential character of the neighborhood. The requested variance is the minimum variance needed to afford relief. The need for the variance was not created by the Applicants.

The Board approved 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 approve. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Norman Rickard. No Member voted against the Motion to Approve 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 September 11, 2012