

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

**IN RE: COY L. THOMAS, JR., AND JENIFER L. THOMAS (Case No. 11036)**

A hearing was held after due notice on September 10, 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 0.4 feet from the 15 foot side yard setback requirement for an attached garage and a variance of 3.3 feet from the 15 foot side yard setback requirement for an existing non-conforming dwelling. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Road 49 (Sloan Road) southwest of Pinewater Drive, being Lot 7 within Pinewater Farm development; said property being identified as Sussex County Tax Map Parcel Number 2-34-17.12-19.00. After a hearing, the Board made the following findings of fact:

1. Dwayne Mosley was present and sworn in to testify about the Application.
2. Douglas Marshall, Esquire, presented the Application on behalf of the Applicants.
3. The Board found that Mr. Marshall stated that the dwelling existing on the Property is an existing non-conforming structure.
4. The Board found that Mr. Marshall stated that the Property measures 100 feet by 300 feet.
5. The Board found that Mr. Marshall stated that the previous owner constructed the attached garage and that the garage was constructed to match the angle of the existing dwelling.
6. The Board found that Mr. Marshall stated that due to the angle the structure does not meet the required setback requirement.
7. The Board found that Mr. Marshall stated that the Certificate of Compliance was issued by the Sussex County Planning & Zoning Department for the attached garage.
8. The Board found that Mr. Marshall stated that the difficulty was not created by the Applicants.
9. The Board found that Mr. Marshall stated that the variance will enable reasonable use of the Property.
10. The Board found that Mr. Marshall stated that it will not alter the character of the neighborhood.
11. The Board found that Mr. Marshall stated that it is the minimum variance to afford relief.
12. The Board found that Dwayne Mosley, under oath, confirmed the statements by Mr. Marshall.
13. The Board found that no parties appeared in opposition to or in support of the Application.
14. 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 because the lot is narrow in size and the existing dwelling is non-conforming. The variance will not alter the essential character of the neighborhood. The variance will enable reasonable use of the Property. The requested variance is the minimum variance needed to afford relief. The need for the variance was not created by the Applicants. The variance requested represents the least modification possible of the regulation in issue.

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 25, 2012.