

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

**IN RE: STEVEN PURCELL & DONNA PURCELL**

**(Case No. 11174)**

A hearing was held after due notice on March 18, 2013. 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 from the side yard and rear yard setback requirements.

Findings of Fact

The Board found that the Applicants were seeking a variance of 0.5 feet from the 15 foot side yard setback requirement and a variance of 9 feet from the 20 foot rear yard setback requirement for an existing detached garage. The Applicants have requested that the aforementioned requested variances be granted as they pertain to certain real property located north of Route 26 (Vines Creek Road) approximately 1,548 feet east of Route 327 (Dogwood Acres Road); said property being identified as Sussex County Tax Map Parcel Number 1-34-10.00-228.00. After a hearing, the Board made the following findings of fact:

1. Steven Purcell and Donna Purcell were sworn in to testify on behalf of the Application.
2. The Board found that Steven Purcell testified that the Applicants are seeking a variance for an addition to a garage which has been built and that the Applicants obtained a building permit for the addition.
3. The Board found that Donna Purcell testified that the Applicants hired a builder to construct the addition to the existing detached garage and that they added to the front of an existing detached garage.
4. The Board found that Steven Purcell testified that the Applicants were unaware of the encroachment until the inspection by the Planning & Zoning inspector after the addition was constructed.
5. The Board found that Donna Purcell testified that the builder failed to follow-up with the Planning & Zoning office after the notice of violation.
6. The Board found that Donna Purcell testified that the Applicants relied on the builder to follow all zoning ordinances.
7. The Board found that Donna Purcell testified that the Applicants purchased the Property in 2009 with a small detached garage located thereon.
8. The Board found that Donna Purcell testified that the Applicants needed to expand the garage to house an additional vehicle.
9. The Board found that Donna Purcell testified that the variances will enable reasonable use of the Property.
10. The Board found that Donna Purcell testified that the difficulty was not created by the Applicants.
11. The Board found that Donna Purcell testified that the new addition measures 28 feet by 28 feet.
12. The Board found that Donna Purcell testified that the Property is unique since the structures already existed.
13. The Board found that Donna Purcell testified that the difficulty was not created by the Applicants.

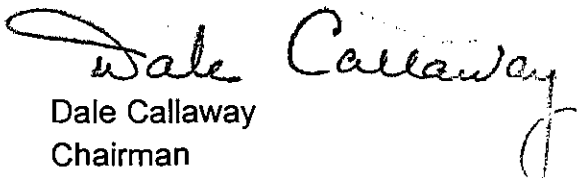
14. The Board found that Donna Purcell testified that the variances will not alter the essential character of the neighborhood because other neighbors have large detached garages.
15. The Board found that Donna Purcell testified that the variances are the minimum variances to afford relief.
16. The Board found that two (2) parties appeared in support of the Application.
17. The Board found that no parties appeared in opposition to the Application.
18. 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 difficulty was not created by the Applicant. The variances will not be detrimental to the public welfare. The variances will not alter the essential character of the neighborhood. The variances sought are the minimum variances to afford relief.

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 approved. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. 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 April 16, 2013.