

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

**IN RE: ROBERT GRAU & JULIA GRAU**

**(Case No. 11185)**

A hearing was held after due notice on April 1, 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 a special use exception for a garage / studio apartment.

Findings of Fact

The Board found that the Applicants were seeking a special use exception for a garage / studio apartment. This application pertains to certain real property located east of Road 285 (Beaver Dam Road) approximately 520 feet south of Road 280B (Conley's Chapel Road); said property being identified as Sussex County Tax Map Parcel Number 2-34-10.00-116.00. After a hearing, the Board made the following findings of fact:

1. Julia Grau was sworn in to testify on behalf of the Application.
2. The Board found that Ms. Grau testified that she purchased the Property in 1994 and that the apartment was constructed in 1987.
3. The Board found that Ms. Grau testified that the survey completed in 1994 showed no zoning violations and that the prior owner used the garage / studio apartment.
4. The Board found that Ms. Grau testified that she converted the existing downstairs of the garage into a guest house and that she does not rent the guest house and only uses it for family.
5. The Board found that Ms. Grau testified that there is no kitchen in the guest house and there is no access to the upstairs of the garage from the guest house.
6. The Board found that Ms. Grau testified that she rents the upstairs apartment.
7. The Board found that Ms. Grau testified that the Property has three (3) separate utility meters.
8. The Board found that Ms. Grau testified that there is a dedicated parking area for the apartment.
9. The Board found that Ms. Grau testified that the Property has  $\frac{3}{4}$  acres.
10. The Board found that Ms. Grau testified that the apartment is usually occupied but there are periods where the apartment is vacant.
11. The Board found that Ms. Grau submitted pictures for the Board to review.
12. The Board found that no parties appeared in support of or in opposition to the Application.
13. Based on the findings above and the testimony presented at the public hearing, the Board determined that the application met the standards for granting a special use exception because the use does not substantially affect adversely the uses of adjacent or neighboring properties.

The Board granted the special use exception application for a period of five (5) years finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the special use exception application was granted for a period of five (5) years. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Board Members voted against the Motion to approve the special use exception application.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY

*Dale Callaway*

Dale Callaway  
Chairman

If the use is not established within one (1)  
year from the date below the application  
becomes void.

Date May 7, 2013