

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: WILLIAM D. GULDEN

(Case No. 11222)

A hearing was held after due notice on June 17, 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 variance from the side yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a five (5) feet variance from the required fifteen (15) feet side yard setback requirement for a proposed detached garage. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Road 302 (Hollymount Road) east of Greenbank Drive, being Lot 25A within Green Bank Estates development; said property being identified as Sussex County Tax Map Parcel Number (2-34-17.00-333.00). After a hearing, the Board made the following findings of fact:

1. William Gulden and Diane Gulden were sworn in to testify about the Application.
2. The Board found that Ms. Gulden testified that the Applicant purchased the Property on June 28, 2012.
3. The Board found that Ms. Gulden testified that the Property is unique in shape due to the existing cul-de-sac.
4. The Board found that Ms. Gulden testified that there is not enough space due to the layout of the Property to place a garage in compliance with the Sussex County Zoning Code.
5. The Board found that Ms. Gulden testified that the back corner of the Property is prone to flooding and has an existing swale that cannot be covered.
6. The Board found that Ms. Gulden testified that the location of the dwelling and septic system prevent the proposed detached garage from being built in strict conformity with the Sussex County Zoning Code.
7. The Board found that Ms. Gulden testified that the existing air conditioning unit and outside generator prevent the proposed detached garage from being built closer to the existing dwelling.
8. The Board found that Ms. Gulden testified that the variance is necessary to enable reasonable use of the Property.
9. The Board found that Ms. Gulden testified that the difficulty was not created by the Applicants.
10. The Board found that Ms. Gulden testified that the variance will not alter the character of the neighborhood.
11. The Board found that Ms. Gulden testified that the proposed garage will not have a negative impact on the environment.
12. The Board found that Ms. Gulden testified that the variance is the minimum variance necessary.
13. The Board found that Ms. Gulden testified that the Homeowners Association has approved the proposed detached garage.
14. The Board found that Ms. Gulden testified that the proposed detached garage will have the same siding and roofing as the existing dwelling.
15. The Board found that Ms. Gulden testified that their neighbors support the Application.
16. The Board found that Ms. Gulden submitted letters of support for the Application.
17. The Board found that Dennis Sirman was sworn in and testified in support of the Application.

18. The Board found that Mr. Sirman testified that he is the contractor.
19. The Board found that Mr. Sirman testified that that the proposed detached garage will match the existing dwelling and that it will be an asset to the neighborhood.
20. The Board found that one (1) party appeared in support of the Application.
21. The Board found that no parties appeared in opposition to the Application.
22. The Board found that the Office of Planning & Zoning received five (5) letters in support of the Application.
23. 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 based on the following reasons. The Property is unique in shape due to the existing cul-de-sac. The Property cannot be developed in strict conformity with the Sussex County Zoning Code. The variance is necessary to enable reasonable use of the Property due to the location of the existing septic system, swale and the orientation of the dwelling. The difficulty was not created by the Applicants. The variance will not alter the essential character of the neighborhood. The Homeowners Association supports the Application. The variance sought is the minimum variance necessary 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 July 16, 2013