

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: HARRY B. BOLEY

(Case No. 11246)

A hearing was held after due notice on August 5, 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 front yard and rear yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking variance of fifteen (15) feet from the thirty (30) feet front yard setback requirement for a garage, and a variance of 7.4 feet from the twenty (20) feet rear yard setback for a dwelling. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property east of Road 341B (Peppers Creek Road) 600 feet south of North Dogwood Drive west of Long Leaf Road, being Lot 196 within Dogwood Acres development; said property being identified as Sussex County Tax Map Parcel Number 1-34-6.00-225.00. After a hearing, the Board made the following findings of fact:

1. Donald Norman, Sharon Norman, and Harry Boley were sworn in to testify on behalf of the Application.
2. The Board found that Mr. Boley testified that he intends to place a garage on the Property.
3. The Board found that Mr. Boley testified that the pole barn cannot be placed on the side yard next to Lot 197 due to the location of the septic system.
4. The Board found that Mr. Boley testified that the only other place to locate the garage is in the front yard.
5. The Board found that Mr. Boley testified that turning the garage will still not comply with the required setback and will block the view of the front yard from the entry porch on the dwelling because the garage is wider than the dwelling.
6. The Board found that Mr. Boley testified that he is trying to keep some separation between the dwelling and the garage for ventilation.
7. The Board found that Mr. Boley testified that the movable shed in the rear yard is being relocated to meet the required setbacks.
8. The Board found that Mr. Boley testified that the lots in the development are small.
9. The Board found that Mr. Boley testified that a unique situation exists due to the location of the dwelling and septic system.
10. The Board found that Mr. Boley testified that the garage to the rear is used for boat and equipment storage.
11. The Board found that Mr. Norman testified that the proposed building will improve the neighborhood and will enhance the Property.
12. The Board found that Mr. Norman testified that the space is needed between the house and the garage to prevent a fire hazard.
13. The Board found that Mr. Boley testified that he purchased the Property with the dwelling in its current location.
14. The Board found that Mr. Boley testified that the variance will not alter the essential character of the neighborhood as the proposed setback is similar to the setback on the adjacent lot.

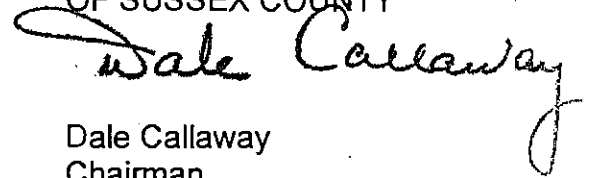
15. The Board found that Mr. Boley testified that he did not propose to add on to the existing garage since an addition would increase the square footage of the garage to exceed 600 square feet which would also require a variance.
16. The Board found that the Office of Planning and Zoning has received one (1) letter in support of this Application.
17. The Board found that there were three (3) parties present in support of this Application.
18. The Board found that there were no parties in opposition to the Application.
19. 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 lot is unique in that it is only eighty (80) feet wide and one hundred twenty five (125) feet deep. The variances are necessary to enable reasonable use of the Property. The exceptional practical difficulty has not been created by the Applicant. The variances will not alter the character of the neighborhood. The dwelling will line up with other homes in the neighborhood. The requested variances are the minimum variances 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. Norman Rickard, and Mr. Brent Workman. Mr. John Mills 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 10, 2013