

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

**IN RE: CHARLES CURTIS BROWN**

**(Case No. 11251)**

A hearing was held after due notice on August 19, 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 Applicant was seeking a variance of five (5) feet from the ten (10) feet side yard setback requirement and a variance of fifteen (15) feet from the twenty (20) feet rear yard setback requirement for a proposed detached garage. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property southeast of County Road 535 (Middleford Road) 100 feet west of Walnut Drive, being Lot 109 within North Shores development; said property being identified as Sussex County Tax Map Parcel Number 3-31-6.00-315.04. After a hearing, the Board made the following findings of fact:

1. Charles Curtis Brown was sworn in to testify on behalf of the Application.
2. The Board found that Mr. Brown testified that the Property is located in the North Shores development and was created in 1962.
3. The Board found that Mr. Brown testified that the Applicant seeks approval to place a garage on the Property.
4. The Board found that Mr. Brown testified that the existing dwelling was moved onto the Property in 1978.
5. The Board found that Mr. Brown testified that he purchased the Property in 1987.
6. The Board found that Mr. Brown testified that the garage cannot be placed on the opposite side of the Property or be moved to comply with the required setbacks due to the location of the existing septic system and drain field.
7. The Board found that Mr. Brown testified that the difficulty has not been created by the Applicant.
8. The Board found that Mr. Brown testified that the variances will not alter the essential character of the neighborhood.
9. The Board found that Mr. Brown testified that the proposed detached garage will be brick in the front in order to match the existing brick dwelling.
10. The Board found that Mr. Brown testified that the proposed location of the garage will line up with the existing driveway.
11. The Board found that Mr. Brown testified that the neighbors have no objection to the Application.
12. The Board found that Mr. Brown testified that the variances are not detrimental to the public welfare and that the variances are the minimum variances necessary to afford relief.
13. The Board found that Mr. Brown testified that the Property is small.
14. The Board found that Mr. Brown testified that the attached carport will be removed and the garage will take its place.
15. The Board found that no parties appeared in support of or in opposition to the Application.
16. The Board found that the Office of Planning & Zoning received four (4) letters of support to the Application.

17. 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 due to the location of the existing septic system and drain field. The car port will be removed. The variances are necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. The variances will not alter the essential character of the neighborhood. The variances sought are the minimum variances necessary to afford relief. The variances represent the least modification possible of the regulation at 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 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 October 8, 2013