

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

**IN RE: ROBERT CHRISTOPHER CLARK**

**(Case No. 11284)**

A hearing was held after due notice on October 21, 2013. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, 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 variance of 4.8 feet from the ten (10) feet side yard setback requirement for a proposed attached garage. The Applicant has requested that the aforementioned requested special use exception be granted as it pertains to certain real property south of Route 54 (Lighthouse Road) and north of Cedar Lane and across from River Birch Drive, being Lot 44 within Keen-wik Subdivision; said property being identified as Sussex County Tax Map Parcel Number 5-33-19.12-13.00. After a hearing, the Board made the following findings of fact:

1. Christopher Clark was sworn in to testify on behalf of the Application.
2. The Board found that the Office of Planning & Zoning received a letter from next door neighbor which evidenced his support of the Application.
3. The Board found that Mr. Clark testified that the Property is located within the Keen-wik development and that the existing dwelling does not have a garage or any storage area.
4. The Board found that Mr. Clark testified that the current setback requirements would only allow for a space ten (10) feet wide which is not sufficient for a vehicle.
5. The Board found that Mr. Clark testified that the proposed garage will allow enough room for a vehicle.
6. The Board found that Mr. Clark testified that the garage cannot be attached to the rear of the dwelling and a detached garage would obstruct views.
7. The Board found that Mr. Clark testified that the existing shed will be removed.
8. The Board found that Mr. Clark testified that a neighbor stores a boat on a concrete drive on the side of the requested variance.
9. The Board found that Mr. Clark testified that the variance will not be detrimental to the public welfare and that the variance will not alter the essential character of the neighborhood.
10. The Board found that Mr. Clark testified that the variance will enable reasonable use of the Property.
11. The Board found that Mr. Clark testified that the Homeowners Association supports the Application.
12. The Board found that Mr. Clark testified that the variance requested is the minimum variance to afford relief.
13. The Board found that no parties appeared in support of or in opposition to the Application.
14. 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 for the following reasons. The lot width and existing dwelling create a unique situation on the Property. The Property cannot otherwise be developed in strict conformity with the Sussex County Zoning Code. The difficulty was not created by the Applicant. The variance will not alter the

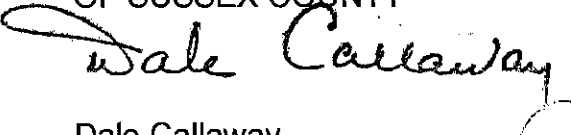
essential character of the neighborhood. The variance sought is the minimum variance is necessary to afford relief.

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, 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 December 10, 2013