

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MELISSA CHANDLER and JOHN CHANDLER

(Case No. 11470)

A hearing was held after due notice on October 20, 2014. 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 Applicants were seeking a variance of 2.6 feet from the fifteen (15) side yard setback requirement and a variance of 6.9 feet from the twenty (20) feet rear yard setback requirement for an existing detached garage. This application pertains to certain real property located north of Godwin School Road (Road 410) 990 feet west of Country Living Road (Road 433) (911 Address: 23431 Godwin School Road, Millsboro, DE); said property being identified as Sussex County Tax Map Parcel Number 1-33-16.00-76.11). After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received no correspondence regarding the Application.
2. Melissa Chandler was sworn in to testify about the Application.
3. The Board found that Ms. Chandler testified that her ex-husband contracted with a builder to construct the detached garage in 2002.
4. The Board found that Ms. Chandler testified that she is selling the Property and a survey completed for settlement showed the encroachments.
5. The Board found that Ms. Chandler testified that she was previously unaware of the encroachments.
6. The Board found that Ms. Chandler testified that the detached garage has a concrete floor and cannot be moved.
7. The Board found that Ms. Chandler testified that the detached garage lines up with the existing driveway and was placed in the rear corner of the Property.
8. The Board found that Ms. Chandler testified that the detached garage could not be moved to the opposite side of the Property due to the existing septic and well.
9. The Board found that Ms. Chandler testified that the variances are necessary to enable reasonable use of the Property.
10. The Board found that Ms. Chandler testified that the difficulty was not created by the Applicants.
11. The Board found that Ms. Chandler testified that the Property is unique.
12. The Board found that Ms. Chandler testified that the garage does not alter the character of the neighborhood and that she feels the garage enhances the neighborhood.
13. The Board found that Ms. Chandler testified that she has received no complaints about the garage.
14. The Board found that Ms. Chandler testified that the variances requested are the minimum variances to afford relief.
15. The Board found that one (1) party appeared in support of the Application.
16. The Board found that no parties appeared in opposition 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

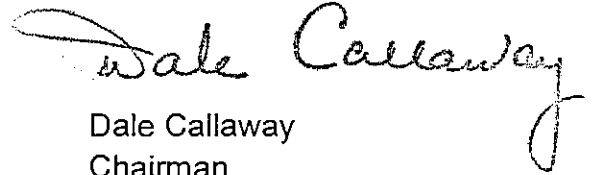
standards for granting a variance. The situation and conditions surrounding the need for the variances are unique. The Applicant's husband, who is now incarcerated, worked with a subcontractor to build the garage. The Applicant now seeks to sell the Property but cannot do so due to the garage's encroachment into the setback areas. The variances are necessary to enable reasonable use of the Property. The garage is a reasonable use of the Property and cannot be placed elsewhere on the Property due to the location of the well and septic system. The location of the garage also lines up with the driveway. The exceptional practical difficulty and hardship were not created by the Applicants. The variances will not alter the essential character of the neighborhood. The garage has been in its present location since 2002 without complaint. The variances sought are the minimum variances necessary to afford relief. The variances sought represent the least modifications of the regulation at issue.

The Board granted the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the variance application was approved. 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 variance 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 16, 2014