

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MAUREEN HORTON GROSS

(Case No. 11568)

A hearing was held after due notice on May 4, 2015. 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 special use exception for a garage/studio apartment.

Findings of Fact

The Board found that the Applicant is requesting a special use exception for a garage/studio apartment. This application pertains to certain real property located southwest of Road 443 (Parsons Road), approximately 2,000 feet southeast of Road 435 (Bryans Store Road) (911 Address: 19402 Parsons Road, Georgetown); said property being identified as Sussex County Tax Map Parcel Number 1-33-9.00-4.14. After a hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, a portion of the tax map of the area, and a portion of the Sussex County Zoning Code.
2. The Board found that the Office of Planning and Zoning received no letters in support of or in opposition to the Application.
3. The Board found that Maureen Horton Gross was sworn in and testified regarding the Application.
4. The Board found that Ms. Gross testified that she purchased the Property in April 2012. The apartment over the garage existed at time of purchase and the apartment had a stove at that time.
5. The Board found that Ms. Gross testified that her son lived in the apartment. She would like to rent the apartment for extra income.
6. The Board found that Ms. Gross testified that the apartment is approximately 790 square-feet in size and consists of one (1) bedroom, one (1) bathroom unit, and a kitchenette area.
7. The Board found that Ms. Gross testified that there is adequate parking available for the tenant.
8. The Board found that Ms. Gross testified that the neighborhood is primarily residential with 12 homes along the Parsons Road.
9. The Board found that Ms. Gross testified that the Property is one (1) acre in size.
10. The Board found that Ms. Gross testified that the use will not adversely affect the surrounding and neighboring properties.
11. The Board found that two (2) parties appeared in support of the Application.
12. The Board found that no parties appeared in opposition to the Application.
13. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board found credible, persuasive and un rebutted, the Board determined that the application met the standards for granting a special use exception because the garage / studio apartment will not substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to approve the Application.

- a. The Property consists of one acre and a garage apartment has been located on the Property since the Applicant purchased the Property in 2012. Based on the Applicant's testimony, the apartment appears to have

been used as a garage / studio apartment prior to the Applicant's purchase of the Property.

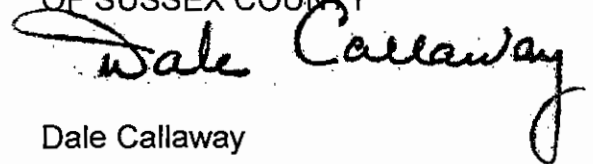
- b. The Applicant will provide a dedicated parking space for the tenant of the apartment as required by the Sussex County Zoning Code.
- c. The apartment appears to be of a reasonable size and has a bedroom, bathroom, and cooking area.
- d. The neighborhood surrounding the Property is residential in character and the apartment is a residential use.
- e. No evidence was presented which would demonstrate that the apartment has had or will have a substantial adverse effect on neighboring and adjacent properties.

The Board granted the special use exception application finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the special use exception 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 special use exception 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 June 9, 2015