

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

**IN RE: EDWARD OLSON**

**(Case No. 11621)**

A hearing was held after due notice on August 17, 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 on the west side of Hopkins Road across from Park Pavilion Way (911 Address: 20396 Hopkins Road, Lewes); said property being identified as Sussex County Tax Map Parcel Number 2-34-5.00-46.03. 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 survey dated September 22, 2011.
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 Edward Olson was sworn in and testified regarding the Application. Mr. Olson also submitted a floor plan dated July 7, 2015, and a site plan dated April 14, 2015.
4. The Board found that Mr. Olson testified that he purchased the Property in 2011 and he is currently building a dwelling on the Property. He removed an existing dwelling from the Property because it was beyond repair.
5. The Board found that Mr. Olson testified that the existing garage was built in 1995 and is in good shape. The existing detached garage will be converted into the studio apartment.
6. The Board found that Mr. Olson testified that the studio apartment will be for his mother who suffers from dementia. He may also live in the apartment until the dwelling is complete.
7. The Board found that Mr. Olson testified that the existing garage measures 24 feet by 30 feet and he plans to add a 10 feet by 12 feet addition to the garage. He is aware the apartment cannot exceed 800 square feet.
8. The Board found that Mr. Olson testified that the neighbors have no objection to the Application.
9. The Board found that Mr. Olson testified that he has cleaned up the Property which was poorly maintained at one point.
10. The Board found that Mr. Olson testified that the use will not substantially adversely affect the uses of the adjacent and neighboring properties. The surrounding area is residential.
11. The Board found that Mr. Olson testified that the existing septic system can handle both structures.
12. The Board found that Mr. Olson testified that the existing garage and addition will meet setback requirements.
13. The Board found that Mr. Olson testified that there is a designated parking space for the studio apartment.
14. The Board found that no parties appeared in support of or in opposition to the Application.

15. 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 unrebutted, 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 is a large lot consisting of approximately 4 acres as shown on the survey and tax map. A detached garage has been located on the Property since 1995. Based on the Applicant's testimony, the Applicant intends to use the garage for an apartment for his mother who suffers from dementia. He also plans to live in the garage while the main dwelling is being constructed.
- b. The Applicant will provide a dedicated parking space for the resident of the apartment as required by the Sussex County Zoning Code.
- c. The apartment appears to be of a reasonable size. Currently the apartment is 720 square feet. The Applicant is aware that the apartment cannot exceed 800 square feet.
- d. The garage will meet all setback requirements and will be hooked up to the existing septic system on the Property.
- e. The neighborhood surrounding the Property is residential in character and the apartment is a residential use.
- f. 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 October 6, 2015.