

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

**IN RE: LOIS BERL**

**(Case No. 11643)**

A hearing was held after due notice on September 21, 2015. 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 special use exception for a garage / studio apartment.

Findings of Fact

The Board found that the Applicants are requesting a special use exception for a garage / studio apartment. This application pertains to certain real property located on the southwest side of That Way off of County Seat Highway (Route 9). (911 Address: 23988 That Way, Georgetown); said property being identified as Sussex County Tax Map Parcel Number 1-35-22.00-10.03. 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, pictures of the unit, letters of support, and a survey dated June 23, 2015.
2. The Board found that the Office of Planning and Zoning received three (3) letters in support of the Application and had not received any correspondence in opposition to the Application.
3. The Board found that George Donald was sworn in and testified regarding the Application.
4. The Board found that Mr. Donald testified that he is the neighbor and brother-in-law of the Applicant.
5. The Board found that Mr. Donald testified that the structure was initially built as a shed to be used for the Applicant's art studio.
6. The Board found that Mr. Donald testified that she has added electric, a sink and a kiln to the structure. The existing septic and well for the existing dwelling have been approved to hook up the studio apartment.
7. The Board found that Mr. Donald testified that the space is not used for living quarters.
8. The Board found that Mr. Donald testified that the Applicant uses a standard oven for baking clay for the jewelry she makes.
9. The Board found that Mr. Donald testified that the use does not substantially adversely affect the surrounding uses of the neighboring and adjacent properties.
10. The Board found that Mr. Donald testified that the structure is in the middle of ten (10) acres and cannot be seen easily.
11. The Board found that Mr. Donald testified that he does not oppose the request.
12. The Board found that Mr. Donald testified that a parking space is available for the apartment.
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 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.

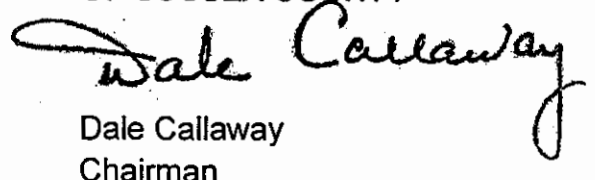
- a. The Applicant intends to use the structure for an art studio but, due to the existence of cooking facilities and other improvements consistent with an apartment, a special use exception for a garage / studio apartment was necessary.
- b. The Property is a large lot consisting of over 10 acres as shown on the survey and tax map.
- c. The apartment is largely hidden on the Property and cannot be easily seen.
- d. The apartment has a dedicated parking space and will have electric, water, and septic.
- e. No evidence was presented which would demonstrate that the structure will have a substantial adverse effect on neighboring and adjacent properties.
- f. The apartment appears to be of a reasonable size as it consists of 360 square feet and meets the square footage requirements of a garage / studio apartment.
- g. A neighbor appeared in support of the Application.

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, and Mr. Brent Workman. No Board Members voted against the Motion to approve the special use exception application. Mr. Norman Rickard was not present and did not participate in the discussion or vote of this 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 November 17, 2015