

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: GREG JACOBS

(Case No. 12233)

A hearing was held after due notice on November 19, 2018. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, Mr. John Mills, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a special use exception for a private garage.

Findings of Fact

The Board found that the Applicant is seeking a special use exception to build a private garage with the capacity to house more than four vehicles and consists of over 900 square feet. This application pertains to certain real property located on the north side of West Line Road, approximately 1.73 miles east of Hudson Road (911 Address: 34159 West Line Road, Selbyville); said property being identified as Sussex County Tax Map Parcel 5-33-18.00-52.00.

1. The Board was given copies of the Application, schematics of the proposed garage, drawings and photographs of the Property with the location of the proposed garage marked, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received no correspondence in support of the Application or in opposition to the Application.
3. The Board found that Greg Jacobs and Craig Connor were sworn in to testify about the Application.
4. The Board found that Mr. Jacobs testified that he purchased the Property eight years ago and with the intention to build a large garage to house his numerous vehicles. He owns jet skis, farm equipment, a backhoe, equipment, trailers, 12 cars and motorcycles, and 2 RVs and these belongings will be stored in the garage.
5. The Board found that Mr. Jacobs testified that the garage will not be used for commercial activity.
6. The Board found that Mr. Jacobs testified that the garage will measure 60 feet by 124 feet and will be located to the rear of the Property. According to Mr. Connor, the garage will be 26 feet tall at its tallest point.
7. The Board found that Mr. Jacobs testified that this special use exception will not substantially adversely affect the uses of neighboring property as the neighbor in the rear is actively farming that property and the neighbors on either side have no objection to his request.
8. The Board found that no parties appeared in support of or in opposition to the Application.
9. 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 private garage 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 private garage is located in an agricultural / residential area on a large property that consists of approximately 1.5 acres. The Property is a large lot and can clearly hold a dwelling and private garage.
 - b. The garage will not be taller than 26 feet tall and the drawings indicate that the garage will have an attractive appearance. The Board is convinced that

the garage will have no substantial adverse visual impact on neighboring and adjacent properties.

- c. Neighbors support the Application and no evidence was presented which convinced the Board that the garage will have any adverse effect on neighboring and adjacent properties; let alone a substantial adverse effect.
- d. The Board also notes that the Applicant has a significant amount of equipment, vehicles, and other large items. The housing of these items within an enclosed garage provides for greater safety and security in the area, which should benefit neighboring 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 was approved. The Board Members in favor were Mr. Dale Callaway, Ms. Ellen Magee, Mr. Bruce Mears, Mr. John Mills, and Mr. Brent Workman. No Board Member voted against the Motion to approve the special use exception and variance application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY


John Mills
Chairman

If the use is not established within two (2) years from the date below the application becomes void.

Date January 29, 2019.