

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JASON LAMBROS

(Case No. 12297)

A hearing was held after due notice on May 6, 2019. The Board members present were: Mr. Dale Callaway, Ms. Ellen Magee, Mr. John Mills, Mr. John Williamson, 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 seeking a special use exception for a garage / studio apartment. This application pertains to certain real property located on the west side of Central Avenue approximately 945 feet north of Substation Road (911 Address: 33476 Central Avenue, Frankford) said property being identified as Sussex County Tax Map Parcel 1-34-16.00-35.02.

1. The Board was given copies of the Application, drawings of the building, a survey of the Property dated April 15, 2016, 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 or in opposition to the Application.
3. The Board found that Jason Lambros was sworn in to testify about the Application.
4. The Board found that Mr. Lambros testified that the Property is wooded and the buildings are a good distance from the road. The nearest neighbors are hundreds of feet away from his property.
5. The Board found that Mr. Lambros testified that the building where the garage / studio apartment will be located consists of two floors. The bottom floor of the structure will be used for the garage / studio apartment and consists of 800 square feet. The top floor of the building will be used for visiting family on a temporary basis. The top floor unit will not have cooking facilities and will not be available for rent.
6. The Board found that Mr. Lambros testified that there is adequate parking.
7. The Board found that Mr. Lambros testified that he purchased the Property 3 years ago and the apartment existed at that time. At that time, the top floor had cooking facilities, which he did not install.
8. The Board found that Mr. Lambros testified that the garage / studio apartment will not substantially affect adversely the uses of adjoining and neighboring properties.
9. The Board found that Mr. Lambros testified that there is no additional traffic, noise, or emissions from the unit.
10. The Board found that no one appeared in support of or in opposition to the Application.
11. 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.

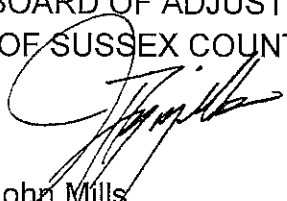
- a. The Applicant proposes to convert a portion of an existing building into a garage / studio apartment for rent. The apartment will meet the square footage requirement under the Code.
- b. The apartment will be located on a large property that consists of approximately 2.19 acres. The Property is a large lot and can clearly hold a dwelling and garage / studio apartment.
- c. The Applicant will provide a parking space for the tenant of the apartment.
- d. There was no evidence that the garage / studio apartment would have an impact on traffic, noise, or emissions which would substantially affect adversely the uses of neighboring and adjacent properties.
- e. The Property is used for residential purposes and the apartment is consistent with those uses.
- f. The Board is convinced that the garage / studio apartment will have no substantial adverse visual impact 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 of the Motion to approve were Mr. Dale Callaway, Mr. John Mills, Mr. John Williamson, and Mr. Brent Workman. Ms. Ellen Magee voted against the Motion to approve the special use exception 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 June 18, 2019