

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: ANN SAMMONS

(Case No. 12370)

A hearing was held after due notice on October 21, 2019. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Ms. Ellen Magee, 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 north side of Greenwood Road, approximately 0.38 miles west of Sussex Highway (Route 13) (911 Address: 8619 Greenwood Road, Greenwood) said property being identified as Sussex County Tax Map Parcel 5-30-4.00-18.00. After a public hearing, the Board made the following findings of fact:

1. The Board was given copies of the Application, 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 one letter in support of the Application and no correspondence in opposition to the Application.
3. The Board found that Ann Sammons was sworn in to testify about the Application.
4. The Board found that Ms. Sammons testified that a pole barn was constructed for farm equipment and a pool house. An in-ground pool was constructed and the pool house will be used to keep foot traffic out of the main house.
5. The Board found that Ms. Sammons testified that the parcel consists of over 28 acres and the nearest neighbor is several hundred yards away. There are also 3 poultry houses on the Property.
6. The Board found that Ms. Sammons testified that the request is for a garage studio apartment of less than 600 square feet and the purpose is to serve as a pool house where meals can be prepared for grandchildren.
7. The Board found that Ms. Sammons testified that there is ample parking.
8. The Board found that Ms. Sammons testified that there is no intention to rent the apartment.
9. The Board found that Ms. Sammons testified that the use will not substantially affect adversely the uses of adjacent and neighboring property.
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 use a portion of a pole building as a garage / studio apartment. The apartment will meet the square footage requirement under the Code.

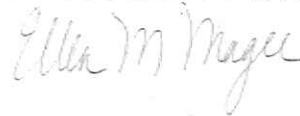
- b. The apartment will be located on a large property that consists of approximately 28 acres. The Property is a large lot and can clearly hold a dwelling and garage / studio apartment.
- c. The Applicant will provide a parking space for the apartment.
- d. There was no evidence that the garage / studio 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. The facility will be used as a pool house to cook meals and keep foot traffic out of the main dwelling.
- 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 Dr. Kevin Carson, Mr. Jeffrey Chorman, Ms. Ellen Magee, Mr. John Williamson, and Mr. Brent Workman. No Board Member voted against the Motion to approve the special use exception application.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY



Ellen M. Magee  
Chair

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

Date December 17, 2019