

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: EDWARD MYSZAK, JR.

Case No. 10792 – 2011

A hearing was held after due notice on April 18, 2011. The Board members present were: Mr. Dale Callaway, Mr. Ronald McCabe, Mr. John Mills, Mr. Brent Workman, and Mr. Jeff Hudson.

Nature of the Proceedings

This is a variance from the side yard setback requirement.

Finding of Facts

The Board found that the Applicant was seeking a variance from side yard setback requirements south of Route 54, east of Roosevelt Avenue, Lot 11, Cape Windsor. The Applicant was requesting a 3.5' variance from the required 10' side yard setback for steps to a second floor porch. After a hearing, the Board made the following findings of fact:

1. The Applicant constructed a second floor porch and deck but made no provision for steps which did not encroach.
2. Steps to the second level do not encroach any further than the steps for the first floor, which by Code may encroach up to 5'.
3. The platform and steps are necessary to meet building code requirements.
4. Because of an existing garage, there is no other location for the steps to be placed.
5. Absent the steps the property cannot be reasonably utilized.
6. The application will not alter the essential character of the neighborhood.
7. No persons appeared in opposition.

The Board granted the requested variance.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board members voting in favor were: Mr. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman and Mr. Hudson; voting against – none.

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 May 24, 2011.