

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: LAURIE BRONSTEIN, AGENT (Case No. 11112)

A hearing was held after due notice on December 10, 2012. The Board members present were: Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a variance of the front yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 2.5 feet from the front yard setback requirement for an existing cantilevered deck. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located north of Route 16 (Broadkill Road) northeast of South Bay Shore Drive, being Lot 24 Section 3 within Broadkill Beach development; said property being identified as Sussex County Tax Map Parcel Number 2-35-10.00-30.00. After a hearing, the Board made the following findings of fact:

1. Laurie Bronstein was sworn in and testified on behalf of the Application.
2. Shannon Carmean, Esquire, appeared and presented the Application on behalf of the Applicant.
3. The Board found that Ms. Carmean stated that Laurie Bronstein is the agent for George Strick and Eileen Strick who live in an assisted living facility in Maryland and who own the Property.
4. The Board found that Ms. Carmean stated that the Stricks purchased the Property in January 1986 and that the dwelling was built on the Property in 1988.
5. The Board found that Ms. Carmean stated that the original builder did not complete the job due to bankruptcy and that the second builder showed the deck on the plan in August 22, 1989.
6. The Board found that Ms. Carmean stated that the Stricks were approved for a variance in August 1989 for the dwelling and that the Stricks believed the variance included the existing deck.
7. The Board found that Ms. Carmean stated that the 1989 survey did not show the deck even though it did exist at that time.
8. The Board found that Ms. Carmean stated that the Applicant recalls a conversation with a Planning & Zoning Official that the deck was narrow and would not deter view.
9. The Board found that Ms. Carmean stated that the Property is unique in shape.
10. The Board found that Ms. Carmean stated that the difficulty was not created by the Stricks.
11. The Board found that Ms. Carmean stated that the variance will enable reasonable use of the Property and that the Property cannot otherwise be developed.
12. The Board found that Ms. Carmean stated that the deck would have to be removed to comply with the zoning requirements.
13. The Board found that Ms. Carmean stated that the variance will not alter the character of the neighborhood.
14. The Board found that Ms. Carmean stated that the variance is the minimum variance necessary to afford relief.
15. The Board found that Ms. Carmean submitted exhibits to the Board in support of the Application, including an affidavit of George Strick.
16. The Board found that Ms. Bronstein, under oath, confirmed the statements by Ms. Carmean.


17. The Board found that no parties appeared in support of or in opposition to the Application.
18. The Board found that the Office of Planning & Zoning received one (1) letter in support of the Application.
19. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The Property is unique. The variance is necessary to enable reasonable use of the Property. The difficulty was not created by the Applicant. The variance will not alter the essential character of the neighborhood. The variance sought is the minimum variance to afford relief.

The Board approved the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the Application was approved. The Board Members voting to approve the Application were Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Member voted against the Motion to Approve the 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 January 8, 2013.