

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CARL KRAJEC & MARIAN KRAJEC (Case No. 11132)

A hearing was held after due notice on January 7, 2013. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a variance from the rear yard setback requirement.

Findings of Fact

The Board found that the Applicants were seeking a variance of 4.4 feet from the 10 feet rear yard setback requirement for a proposed screen porch. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located south of Road 278 (Angola Beach Road) west of Herring Reach, being Lot 45 within Bay Pointe development; said property being identified as Sussex County Tax Map Parcel Number 2-34-18.00-659.00. After a hearing, the Board made the following findings of fact:

1. Robert Hillman, Carl Krajec and Marian Krajec were sworn in and testified on behalf of the Application.
2. The Board found that Mr. Hillman testified that a variance for the existing deck was approved three (3) years ago and that the screen porch is being built on the existing deck.
3. The Board found that Mr. Hillman testified that the rear of the Property is adjacent to the community's storm water management pond.
4. The Board found that Mr. Krajec testified that the Property was too small for the house built by Ryan Homes on the lot and that Ryan Homes no longer offers that model for sale.
5. The Board found that Mr. Krajec testified that the construction of the screen porch has begun and would be very costly to tear down.
6. The Board found that Mr. Krajec testified that the porch cannot be built in strict conformity with the Sussex County Zoning Ordinance since the dwelling is adjacent to the pond.
7. The Board found that Mr. Krajec testified that the difficulty was not created by the Applicants.
8. The Board found that Mr. Krajec testified that the variance will not alter the essential character of the neighborhood as the screen porch will look like the existing home with similar shingles and siding.
9. The Board found that Mr. Krajec testified that there are other similar porches in the neighborhood.
10. The Board found that Mr. Hillman testified that a neighbor received a similar variance for a screen porch as well.
11. The Board found that Mr. Krajec testified that the neighbors are supportive of the Application.
12. The Board found that Mr. Krajec testified that the variance sought is the minimum variance to afford relief.
13. The Board found that Mr. Krajec testified that he suffered from skin cancer and his wife has an allergy to insect bites so the screen porch will enable them to reasonably use the Property.
14. The Board found that four (4) parties appeared in support of the Application.
15. The Board found that no parties appeared in opposition to the Application.
16. The Board found that three (3) letters were submitted to the Board in support of the Application.

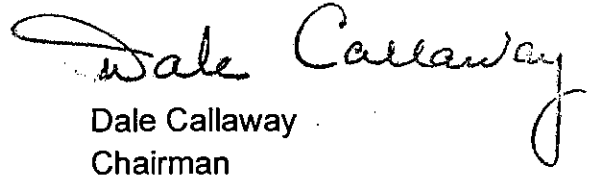
17. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The Property is unique due to the large dwelling. The variance is necessary to enable reasonable use of the Property. The difficulty was not created by the Applicants. The variance will not alter the essential character of the neighborhood. The variance sought is the minimum variance necessary to afford relief. The variance represents the least modification possible of the regulation in issue

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. Dale Callaway, Mr. Jeff Hudson, Mr. Norman Rickard, and Mr. Brent Workman. Mr. John Mills 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 30, 2013