

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: CHRIS TAWA

(Case No. 11169)

A hearing was held after due notice on March 4, 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 Applicant was seeking a variance of 5 feet from the 10 feet rear yard setback requirement for an existing screen porch and roof top deck. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located east of Texas Avenue 200 feet southeast of Bay Shore Drive; said property being identified as Sussex County Tax Map Parcel Number 2-35-3.12-81.00. After a hearing, the Board made the following findings of fact:

1. Chris Tawa and Laurie Bronstein were sworn in to testify on behalf of the Application.
2. The Board found that Mr. Tawa testified that he purchased the Property in 2003 and that the existing deck and screen porch were constructed by the previous owner.
3. The Board found that Mr. Tawa testified that a variance was approved in 2000.
4. The Board found that Mr. Tawa testified that he constructed the roof top deck and added extra support to the existing screen porch and stairs to the roof top deck to create an observation area.
5. The Board found that Mr. Tawa testified that he was not aware a building permit was necessary for such minor construction.
6. The Board found that Mr. Tawa testified that the observation deck has the same dimensions as the porch below.
7. The Board found that Mr. Tawa testified that the encroachment was discovered by a survey completed for settlement.
8. The Board found that Mr. Tawa testified that there are vacant lots on each side of his property.
9. The Board found that Mr. Tawa testified that the variance will not alter the character of the neighborhood.
10. The Board found that Mr. Tawa testified that the variance is needed to enable reasonable use of the Property as he will be unable to sell his house without the variance.
11. The Board found that Mr. Tawa testified that there are other similar structures in the neighborhood and that neighbors have not expressed any concerns to him about the deck.
12. The Board found that Mr. Tawa testified that he has since obtained a building permit for the work completed in 2003.
13. The Board found that Mr. Tawa submitted pictures of the Property to the Board.
14. The Board found that Ms. Bronstein testified that Mr. Tawa did not build the screen porch.
15. The Board found that one (1) party appeared in support of the Application.
16. The Board found that no parties appeared in opposition to 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. There are unique physical circumstances to the Property. The variance sought is the minimum variance necessary to afford relief. The variance will not alter the essential character of the neighborhood

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. 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 April 2, 2013