

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: JOAN M. GROSZKOWSKI

(Case No. 11205)

A hearing was held after due notice on May 6, 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 variances from the rear yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance of 4.7 feet from the twenty (20) feet rear yard setback requirement for a proposed second floor deck, a variance of 4.8 feet from the ten (10) feet side yard setback requirement for a proposed dwelling, a variance of 6.92 feet from the ten (10) feet side yard setback requirement for a proposed HVAC unit, and a variance of 8.7 feet from the ten (10) feet side yard setback requirement for a proposed attached shower. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located south of Route 54 (Lighthouse Road) west of Tyler Avenue, 950 feet south of Lincoln Drive and being Lot 31 within Cape Windsor Subdivision; said property being identified as Sussex County Tax Map Parcel Number 5-33-20.18-77.00. After a hearing, the Board made the following findings of fact:

1. Joan Groszkowski was sworn in to testify about the Application.
2. The Board found that Ms. Groszkowski testified that the Property is located within Cape Windsor and that she must replace her home due to flood damage from Hurricane "Sandy".
3. The Board found that Ms. Groszkowski testified that the proposed dwelling must be raised to meet the requirements set forth by her insurance company.
4. The Board found that Ms. Groszkowski testified that the proposed dwelling will be the same distance from the side yard as the existing dwelling.
5. The Board found that Ms. Groszkowski testified that the roof of the screen porch will be a second level deck.
6. The Board found that Ms. Groszkowski testified that the shed has been removed.
7. The Board found that Ms. Groszkowski testified that the parking area is needed since there is no parking allowed on the street.
8. The Board found that Ms. Groszkowski testified that the parking pad on the side yard provides two (2) parking spaces and that she would lose one (1) parking space if the dwelling was moved to the north.
9. The Board found that Ms. Groszkowski testified that the dwelling is not being raised high enough to allow parking underneath.
10. The Board found that Ms. Groszkowski testified that the HVAC and attached shower will be located on the same platform and that the HVAC needs to be raised because it was submerged underwater after Hurricane "Sandy".
11. The Board found that Ms. Groszkowski testified that that the variances will not alter the character of the neighborhood.
12. The Board found that Ms. Groszkowski submitted pictures to the Board.
13. The Board found that five (5) parties appeared in support of the Application.
14. The Board found that no parties appeared in opposition to the Application.
15. The Board found that the Office of Planning & Zoning received one (1) letter of opposition to the Application.

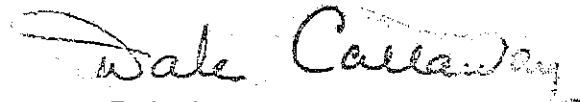
16. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The Property is unique due to the flooding. The variances are necessary to enable reasonable use of the Property. The Applicant will have difficulty obtaining insurance for the dwelling with the variances. The difficulty was not created by the Applicant. The variances 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 June 18, 2013