

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: EVAN KROMETIS

(Case No. 11322)

A hearing was held after due notice on January 27, 2014. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Brent Workman and Mr. Norman Rickard.

Nature of the Proceedings

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

Findings of Fact

The Board found that the Applicant was seeking variance of 3.8 feet from the ten (10) feet side yard setback requirement and a variance of 3.8 feet from the ten (10) feet rear yard setback requirement for a duplex unit and decks. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located east of Route 1 and being northeast of South Carolina Avenue and Bunting Avenue and being Unit One; said property being identified as Sussex County Tax Map Parcel Number 1-34-23.16-300.00 After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received no correspondence regarding the Application.
2. Evan Krometis, Toni Krometis, and David Elko were sworn in to testify about the Application.
3. The Board found that Mr. Krometis submitted exhibits to the Board for its consideration.
4. The Board found that Mr. Krometis testified that the existing duplex townhouse is twenty-eight (28) years old.
5. The Board found that Mr. Krometis testified that the Property is located on Bunting Avenue and faces the Atlantic Ocean in the rear.
6. The Board found that Mr. Krometis testified that the lot is narrow as the entire lot is only fifty (50) feet wide and the Applicant's portion is twenty-five (25) feet wide.
7. The Board found that Mr. Krometis testified that the additions would be made to the north and east sides of the Property.
8. The Board found that Mr. Krometis testified that the Department of Natural Resources and Environmental Control ("DNREC") has reviewed the plans and approved of them.
9. The Board found that Mr. Krometis testified that the proposed renovations will update and improve the existing structure in character with other homes in the neighborhood.
10. The Board found that Toni Krometis testified that the Applicants want to relocate the north facing entrance to the west side of the unit to provide adequate protection from the elements and that the existing entrance is continually battered by the winds.
11. The Board found that Mr. Krometis testified that the existing porch was approved for a previous side yard variance and that this request is to extend the porch, but not to further encroach into the setback areas.
12. The Board found that Mr. Krometis testified that the neighbors support the Application.
13. The Board found that Mr. Krometis testified that the variances are necessary to enable reasonable use of the Property.
14. The Board found that Mr. Krometis testified that the Applicants did not create the need for the variances.
15. The Board found that Mr. Krometis testified that the narrow lot is unique.

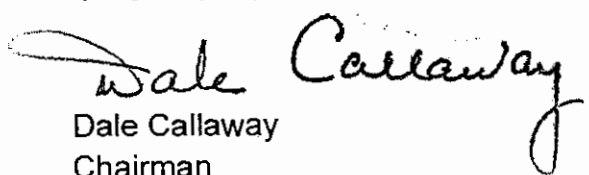
16. The Board found that Mr. Krometis testified that the proposed layout is consistent with other homes in the neighborhood.
17. The Board found that Mr. Krometis testified that the property to the north is a very wide property and the structure located thereon will be forty (40) feet from the proposed additions.
18. The Board found that Mr. Krometis testified that the variances will not be detrimental to the public welfare.
19. The Board found that Mr. Krometis testified that the variances represent the least modifications possible.
20. The Board found that Mr. Krometis testified that the variances are necessary to afford relief.
21. The Board found that Mr. Krometis testified that the Applicants own twenty-five (25) feet of the Property and that the owner of the other half of the duplex has similar plans to update its unit.
22. The Board found that Mr. Krometis testified that there is currently no first floor powder room.
23. The Board found that Mr. Krometis testified that the variances will not alter the character of the neighborhood.
24. The Board found that Mr. Krometis testified that the Applicants are not building into common elements as the area of expansion is on property owned by the Applicants.
25. The Board found that Mr. Krometis testified that there are numerous condominiums in the area.
26. The Board found that Mr. Elko testified that the proposal will not interfere with parking.
27. The Board found that Mr. Elko testified that the dwelling will be extended 3.8 feet on the east side for a deck and screen porch.
28. The Board found that Mr. Krometis testified that there is one parking space under the building.
29. The Board found that Mr. Krometis testified that the original unit consisted of 1,680 square feet and that the additional conditioned space will be 110 square feet.
30. The Board found that no parties appeared in support of or in opposition to the Application.
31. 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 damaging winds. The variances are necessary to enable reasonable use of the Property. The variances sought are the minimum variances to afford relief. 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 March 25, 2014