

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: KEN KARPINSKI AND DEBBIE KARPINSKI

(Case No. 11381)

A hearing was held after due notice on April 21, 2014. 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 4.9 feet from the ten (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 north of Cave Neck Road (Road 88) and being north of Riverstone Drive 420 feet northwest of Fieldstone Drive, and being Lot 165 of Windstone Subdivision; said property being identified as Sussex County Tax Map Parcel Number 2-35-22.00-1137.00. After a hearing, the Board made the following findings of fact:

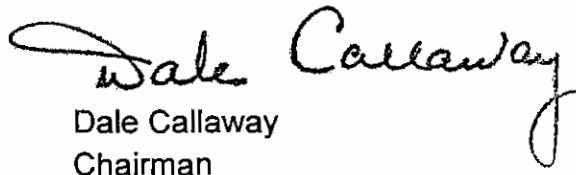
1. The Board found that the Office of Planning and Zoning received no correspondence regarding the Application.
2. Ken Karpinski and Debbie Karpinski were sworn in to testify on behalf of the Application.
3. The Board found that Mr. Karpinski submitted exhibits to the Board to review.
4. The Board found that Mr. Karpinski testified that the Applicants propose to construct a screen porch over an existing twelve (12) feet by fourteen (14) feet deck.
5. The Board found that Mr. Karpinski testified that the open unenclosed deck was permitted to be five (5) feet from the property line.
6. The Board found that Mr. Karpinski testified that the rear of the Property is adjacent to designated open space for the subdivision.
7. The Board found that Mr. Karpinski testified that their neighbors have similar screen porches or morning room additions so the porch will not alter the character of the neighborhood.
8. The Board found that Mr. Karpinski testified that the porch will not impact future development of neighboring properties because it is adjacent to common area.
9. The Board found that Mr. Karpinski testified that the difficulty was not created by the Applicants.
10. The Board found that Mr. Karpinski testified that the variance will provide the least modification possible of the regulation at issue and that the variance sought is the minimum variance to afford relief.
11. The Board found that no parties appeared in support of or in opposition to the Application.
12. Based on the findings above and the testimony and exhibits presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The size and shape of the Property are unique. The variance is necessary to enable reasonable use of the Property. The porch will allow the Applicants to use the space in inclement weather. The difficulty was not created by the Applicants. The variance will not alter the essential character of the neighborhood as there are similar porches and morning rooms throughout the neighborhood. The variance sought is the minimum variance necessary 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. 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 3, 2014