

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY
IN RE: STEPHEN LOPUSZANSKI, JR., & EVELYN LOPUSZANSKI
(Case No. 11394)

A hearing was held after due notice on May 19, 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 six (6) feet from the ten (10) feet rear yard setback requirement for a proposed four (4) season room. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located east of Angola Beach Road (Road 278) and being west of Herring Reach, a private street 440 feet north of Inlet Breeze Drive, a private street, and being Lot 46 within Bay Pointe Subdivision (911 Address: 23674 Herring Reach Court); said property being identified as Sussex County Tax Map Parcel Number 2-34-18.00-660.00. After a hearing, the Board made the following findings of fact:

1. The Board found that the Office of Planning & Zoning received nine (9) letters in support of the Application.
2. Stephen Lopuszanski, Jr. was sworn in to testify on behalf of the Application.
3. The Board found that Mr. Lopuszanski testified that Ryan Homes placed the dwelling on the lot and that the dwelling was a larger model that was discontinued by Ryan Homes due to the size of the lots in the neighborhood.
4. The Board found that Mr. Lopuszanski testified that the size of the dwelling has resulted in a smaller rear yard for the Applicants.
5. The Board found that Mr. Lopuszanski testified that the dwelling was built towards the rear of the lot and there is no possibility for construction in the backyard without a variance.
6. The Board found that Mr. Lopuszanski testified that the proposed room will allow them to enjoy the outdoor view of their property and protect them from mosquitoes.
7. The Board found that Mr. Lopuszanski testified that the sunroom will meet all neighborhood architectural requirements.
8. The Board found that Mr. Lopuszanski testified that the neighbors all have similar sun rooms.
9. The Board found that Mr. Lopuszanski testified that the variance will not alter the essential character of the neighborhood.
10. The Board found that Mr. Lopuszanski testified that the difficulty was not created by the Applicants.
11. The Board found that Mr. Lopuszanski testified that the proposed four season room will not impair the uses of the neighboring and adjacent properties.
12. The Board found that Mr. Lopuszanski testified that the variance will not be detrimental to the public welfare.
13. The Board found that Mr. Lopuszanski testified that the variance is the least modification possible to regulation in issue.
14. The Board found that two (2) parties appeared in support of the Application.
15. The Board found that no parties appeared in opposition to the Application.

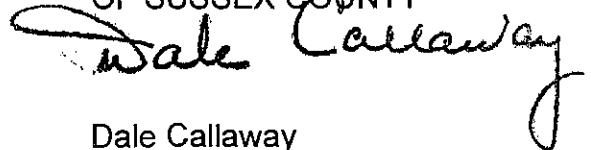
16. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The Property is unique in size. The variance is necessary to enable reasonable use of the Property. The proposed sunroom, which is a reasonable use, cannot be constructed without a variance. The difficulty was not created by the Applicant. The variance will not alter the essential character of the neighborhood. The Applicant testified that there are other sunrooms in the neighborhood and the proposed sunroom will meet all architectural requirements of the neighborhood. The variance sought is the minimum variance necessary to afford relief. The variance requested represents the least modification of the regulation at 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. 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 July 8, 2014