

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: MICHAEL KURZEJA

(Case No. 11432)

A hearing was held after due notice on August 4, 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 variances from the front yard and side yard setback requirements.

Findings of Fact

The Board found that the Applicant was seeking a variance a variance of 7.9 feet from the forty (40) feet front yard setback requirement for a proposed porch, a variance of 3.6 feet from the five (5) feet side yard setback requirement for a proposed open unenclosed deck, and a variance of 0.3 feet from the ten (10) feet side yard setback requirement for a non-conforming dwelling. The Applicant has requested that the aforementioned requested variances be granted as they pertain to certain real property located northeast of Coastal Highway (Route One) and 105 feet southeast of Carolina Street and northwest of Dewey Beach (911 Address: 20973A Coastal Highway, Rehoboth Beach, Delaware); said property being identified as Sussex County Tax Map Parcel Number 3-34-20.09-184.00-Unit A. 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. Matthew Moffa was sworn in to testify on behalf of the Application.
3. The Board found that Mr. Moffa testified that the Applicant purchased the Property two (2) years ago.
4. The Board found that Mr. Moffa testified that the deck and covered porch were built approximately 10 to 15 years ago without a permit.
5. The Board found that Mr. Moffa testified that the dwelling is non-conforming and that the foundation of the dwelling sits on the setback lines.
6. The Board found that Mr. Moffa testified that the porch is necessary to access the dwelling because the front door is raised.
7. The Board found that Mr. Moffa testified that the variances will not alter the character of the neighborhood.
8. The Board found that Mr. Moffa testified that other homes in the neighborhood have similar porches.
9. The Board found that Mr. Moffa testified that the porch will be updated.
10. The Board found that Mr. Moffa testified that the proposed porch and deck will be longer than the existing porch and deck but will not extend further into the side yard and front yard setback areas.
11. The Board found that Mr. Moffa testified that the side deck is along the fence line where a privacy fence lies.
12. The Board found that Mr. Moffa testified that the proposed outside shower will be detached from the dwelling and will be built in compliance with the Sussex County Zoning Code.
13. The Board found that Mr. Moffa testified that the Property is part of a condominium and that a hotel is nearby.
14. The Board found that no parties appeared in support of or in opposition to the Application.
15. 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 as it is only fifty (50) feet wide. The variances are necessary to enable reasonable use

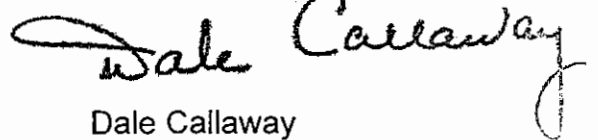
of the Property. The porch and deck are necessary to access the dwelling and the sizes of those structures are reasonable. The difficulty was not created by the Applicant. The variances will not alter the essential character of the neighborhood. The structures have been on the Property for approximately 10-15 years. The variances sought are the minimum variances necessary to afford relief. The variances sought represent the least modifications of the regulations 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

A handwritten signature in cursive script that reads "Dale Callaway".

Dale Callaway
Chairman

If the use is not established within one (1)
year from the date below the application
becomes void.

Date September 23, 2014.