

# Elevated Dewey home gets high court's OK



James Fisher, The News Journal

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(Photo: MOLLY MURRAY/THE NEWS JOURNAL)

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The Delaware Supreme Court gave a Dewey Beach homeowner its after-the-fact blessing to raise the home eight feet above the ground, a flooding-mitigation move that neighbors objected to with a lawsuit.

A brief ruling issued by the court on April 30 affirmed a prior ruling by the Superior Court allowing the raised house to stand. The Bruhl family, which owns the home on bayside home, had previously won an administrative struggle within Dewey Beach to secure the building permit for the newly elevated house.

"We're extremely satisfied with the ruling," said Martin Bruhl, a son of the late Walter Bruhl, who obtained the building permit and defended it against the lawsuit. "We realize that all we did was follow the letter of the law."

The Bruhl home was significantly damaged by Tropical Storm Sandy in 2012, when 18 inches of water filled the living room and water reached the electrical panel. As the Bruhls rebuilt, they decided to seek the town's permission to raise the floor 8 feet above grade, which was about 3 feet higher than the minimum required height in the town code at the time.

After an initial dispute over whether that should be permitted, the town's Board of Adjustment ruled 4-1 that property owner Walter Bruhl was in the right. Nine neighbors then filed suit in Superior Court, seeking to overturn the board's ruling.

The Superior Court ruled nothing in the town code prevented the Bruhls from building their home from a starting point above the minimum elevation allowed for that part of the flood zone maps. In 2014, the town amended its laws to prevent other home owners from following in their footsteps.

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