

Minutes of January 3, 1994

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, January 3, 1994 in the County Council Chambers, Room 115, Courthouse, Georgetown, Delaware.

The meeting was called to order at 7:00 P. M. with Chairman McCabe presiding. The Board members present were: Mr. McCabe, Mr. Wheatley, Mrs. Hudson, Mr. Mills, Mr. Callaway, Mr. Jones-Attorney and Mr. Betts-Zoning Inspector III.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the minutes of December 20, 1993 be approved as circulated.

Case No. 5255--John & Sylvia Boc - North side of Route 22, $\frac{1}{2}$ mile west of Massey's Landing, Lot 8, within Malone's Trailer Park.

A variance from the setback requirement from lot lines within a manufactured home park.

The case was presented by Mr. Betts. John Boc was sworn in and testified, requesting a 7' variance from the 10' setback requirement from the lot lines in a park. The property being Lot 8, within Malone's Trailer Park. Mr. Boc placed a 1980, 14'x 70' manufactured home on his lot replacing a 8'x 42'-44' with an 8' addition. He placed the new unit in the same place where the old one was, which caused an encroachment. The unit was replaced the same day a permit was obtained. Since the park is an old park Mr. Boc thought he was grandfathered in and could use the same setback for the newer manufactured home.

Mr. Betts stated that the requirements could not be met even if the unit was put in the center of the lot.

John Malone, owner of the park was sworn in and testified in behalf of Mr. Boc. He stated that the park is old and that he purchased it approximately four years ago. He stated they run into problems when someone wants to upgrade their lot. He stated that there are other situations in the park like Mr. Boc's.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, the Chairman referred back to this case. After some discussion, motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that the variance be granted.

The Board instructed Mr. Betts to send a letter to the park owner, suggesting he send an updated survey of the park to the Planning & Zoning Office since constant applications for variances may not be acted on favorably.

Case No. 5256--Christopher & Staci Wheatley - West side of Route 510, 0.1 mile north of Route 54.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

The case was presented by Mr. Betts. Christopher & Staci Wheatley were sworn in and testified, requesting to place a new 14'x 70' manufactured home on their property for their permanent residence. The applicants stated that there are other manufactured homes in the area, two on five acre parcels.

Charles William White was sworn in and testified in opposition, stating he owns 40 acres adjacent to the applicants. He stated another manufactured home before the Board, in the area, was denied.

Oliver Hastings was sworn in and testified in opposition, stating he owns 50 acres in front of the applicants property. He stated he was refused a manufactured home for other reasons.

James Dorman was sworn in and testified in opposition, stating that the more manufactured homes permitted, more will come. He also fears the manufactured home will devalue his property.

Robert Mack was sworn in and testified in opposition, stating he owns 40 acres. He testified that the area has nicer conventional homes on larger parcels of land and to allow manufactured homes on smaller lots will cause more density. He stated the area is developing into stick-built homes.

Louis S. Scott was sworn in and testified that he was present for a another hearing, but opposed this manufactured home. He feels manufactured homes should stay on five acres. He feels if one is permitted others will follow.

John R. Savitsky, Jr. was sworn in and testified in opposition stating he has 41 acres across the street and he believes in five acres for permitting manufactured homes.

Paul L. Dickerson was sworn in and testified in opposition, stating he lives less than $\frac{1}{4}$ mile away, but agrees with other testimony given. He also stated there are expensive homes in the area and feels a manufactured home will devalue the properties.

Beverly Ann Nichols was sworn in and testified in opposition, stating she lives next to the applicants property and feels if one manufactured home is allowed others would have to be allowed.

Motion was made by Mr. Wheatley, seconded by Mrs. Hudson and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, the Chairman referred back to this case. After some discussion, motion was made by Mr. Mills, seconded by Mr. Wheatley and carried unanimously that the special use exception be denied, finding the use will adversely affect the area.

Case No. 5257--W. Scott Collins - East side of Route 17, $\frac{1}{4}$ mile north of Route 388.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

The case was presented by Mr. Betts. W. Scott Collins was sworn in and testified, requesting to place a 1984, 14'x 70' manufactured home on his property to live in until he builds a home. He hopes to have his home built within three years. He testified that there are other manufactured homes in the area.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously that the special use exception be granted for a period of five (5) years, finding the use will not adversely affect the area.

Case No. 5258--Elisa D. Waters - Northwest side of Route 20 and the south side of Route 20A, 275 feet west of Route 486A.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

The case was presented by Mr. Betts. Elisa D. Waters was sworn in and testified, requesting to place a 24'x 52' manufactured home on her property for her residence. She stated there are others in the area.

Leon R. Waters was sworn in and testified in behalf of the application explaining where the unit is to be placed on the property.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Wheatley and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, the Chairman referred back to this case. After some discussion, motion was made by Mr. Wheatley, seconded by Mr. Callaway and carried unanimously that the special use exception be granted, finding the use will not adversely affect the area, but will enhance it.

Case No. 5259--Wanda Banks - North side of Route 24, 620 feet east of Route 309.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

The case was presented by Mr. Betts. Wanda Banks was sworn in and testified, requesting to place a 1990, 14'x 76' manufactured home on her property for her permanent residence. Ms. Banks stated

that there are two other manufactured homes in the area as well as conventional houses on either side of her property.

Ruth Campbell, Kermit Campbell, Sr. and Kermit Campbell, Jr. were sworn in and testified in opposition. Mrs. Campbell presented letters of opposition from people in the area. Mrs. Campbell stated that she lives on adjacent property in a stick-built house and is opposed to a manufactured home in the area. She feels the manufactured home will devalue their property. She also has concerns about the septic on the applicants property being close to their well. She stated the manufactured home will be in the middle of stick-built homes.

Mr. Campbell, Sr. & Mr. Campbell, Jr. stated concerns about the septic, devaluation of their property and the noise in the area now not being controlled.

Mr. Betts read letters of opposition (presented) from Deborah Burton and Benjamin Campbell, Sr. and referenced a letter of opposition with 25 signatures. He also read letters of opposition from Freddie Campbell, Jessie Campbell and Mary K. Campbell that were addressed to Kermit Campbell.

Ms. Banks stated that two of the people opposed to the manufactured home live in Pennsylvania.

Mr. Betts stated two were from Pennsylvania and one from New Jersey.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, the Chairman referred back to this case. After some discussion, motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the special use exception be denied, finding the use will adversely affect the area.

Case No. 5260--Fredonah Hudson - North side of Route 421, $\frac{1}{4}$ mile east of Route 432.

A special use exception to place a manufactured home on a medical hardship basis.

The case was presented by Mr. Betts. Clarence Vernon Timmons was sworn in and testified, representing the applicant. Mr. Timmons stated that the correct spelling of the applicants name is Fredonia. He stated that Ms. Hudson requests to place a 1972, 12'x 45' manufactured home on his property on basis of hardship. Mr. Timmons stated that Ms. Hudson is blind and the home she lives in has been condemned by the Town of Millsboro. Mr. Timmons daughter lives on the property in a double-wide manufactured home and will care for Ms. Hudson.

Mr. Betts read a letter from Ms. Hudson's doctor referencing her health.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Wheatley and carried unanimously that the special use exception be granted on the basis of hardship for a period of two (2) years.

Case No. 5261--Kennth D. Fisher - North side of Route 46, 250 feet north of Route 535.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

The case was presented by Mr. Betts. Kenneth Fisher was sworn in and testified, requesting to place a new or within 2 to 3 year old, 14'x 70' manufactured home on his property for his residence. He testified that there are other manufactured homes in the area.

Merlin Leslie Martin was sworn in and testified in opposition, speaking in behalf of his mother-in-law who lives across in front of the Fisher property. Mr. Martin questioned the access to the property. He is concerned about the distance between the well and septic system and he does not believe the rules and regulations should be deviated from.

Mr. Betts stated that access to the property is from Faye Ave., which is a recorded road.

Louis S. Scott was sworn in and testified in opposition stating the placement of the manufactured home under five acres should not be passed. He stated he is against variances.

Motion was made by Mr. Mills, seconded by Mr. Wheatley and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, the Chairman referred back to this case. After some discussion, motion was made by Mr. Callaway, seconded by Mr. Mills and carried unanimously that the special use exception be denied, finding the use will adversely affect the area.

Case No. 5262--Phillip B. Lowe & Rose Marie Cline-Lowe South side of Route 471, 1,000 feet west of Route 432.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

The case was presented by Mr. Betts. Phillip Lowe & Rose Marie Cline-Lowe were sworn in and testified, requesting to place a 1993, 14'x 68' manufactured home on their property for their residence. They testified there are 4 or 5 other manufactured homes in the area.

Terry L. Timmons and Robert J. Timmons were sworn in and testified in opposition, stating that they are opposed to manufactured home on less than five acres. They stated one other manufactured home was approved in the area that they were opposed to. They feel the approval of manufactured homes is unfair to adjacent property

owners. They feel the person who owns the remaining property will sell for manufactured homes.

Mr. Lowe stated that they want to add on to the manufactured home and put it on a solid foundation to look like a conventional home.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, the Chairman referred back to this case. After some discussion, motion was made by Mrs. Hudson, seconded by Mr. Callaway that the special use exception be granted, finding the use will not affect the neighborhood, with Mr. Mills voting nay. Motion carried with four voting in favor and one against.

Case No. 5263--Arnold & June Yoder - West side of Route 36, 500 feet south of Route 628.

A variance from the minimum lot width requirement.

The case was presented by Mr. Betts. Arnold & June Yoder were sworn in and testified, requesting a variance from the minimum lot width requirement to subdivide a 2.89 acre parcel. The applicants have a cabinet shop on the property plus a manufactured home. They plan to replace the manufactured home with a new dwelling and want to create two parcels, Lot 1 for the shop and Lot 2 for the dwelling. They want to separate a lot for the dwelling to get a mortgage. They feel more secure having the shop on a separate parcel. They need a 63' variance and a 100' variance for the lots. They have no plans to sell the land. Nothing will change, just separate lots, according to the applicants.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mr. Wheatley and carried unanimously that the variance be granted.

Case No. 5264--Salt Pond Assoc. - South side of Route 360 and the east side of Route 357, within the Salt Pond Subdivision.

A special use exception to continue using a manufactured home type structure as a Real Estate Office.

The case was presented by Mr. Betts. Kenneth A. Simpler was sworn in and testified, representing Salt Pond Assoc. and was represented by Jim Fuqua, Attorney. The applicants requested an extension on their previous application (Case No. 4483) to continue to use a mobile home type structure as a Real Estate Office. The unit is used for sales of the Salt Pond Development only. The time limit given at the previous hearing has expired and more time is needed. Mr. Fuqua stated that there has been no problems or complaints with the use. Mr. Simpler agreed with statements made by Mr. Fuqua.

There were no parties present in opposition.

Motion was made by Mr. Wheatley, seconded by Mr. Mills and carried unanimously that the special use exception be granted for a period of five (5) years.

OLD BUSINESS

Case No. 5248 (cont'd.)--Allen Petroleum Corp. - West side of Route 13, on the south side of the intersection of Route 28.

A variance from the rear yard setback requirement.

The case was reviewed by Mr. Betts.

After some discussion, motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the variance be denied, finding the use will adversely affect the neighborhood and does not meet the requirements for the granting of a variance.

Case No. 5251 (cont'd.)--Carrie E. Hurst - East side of Route 524, one mile south of Route 46.

A special use exception to place a manufactured home on a medical hardship basis.

The case was reviewed by Mr. Betts. He stated that there has been no doctor's letter submitted by the applicant.

After some discussion, motion was made by Mrs. Hudson, seconded by Mr. Wheatley and carried unanimously that the special use exception be denied, finding no letter from the doctor was submitted referencing the hardship and the feeling is there is adequate amount of people living in the manufactured home to care for Ms. Hurst.

Case No. 5253 (cont'd.)--Clara D. Holloman - South side of Route 283, 900 feet west of Route 283A.

A variance from the lot width requirement.

The case was reviewed by Mr. Betts. Mr. Betts stated that no new survey has been submitted.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be tabled.

OTHER BUSINESS

Case No. 4283 - Martha L. Hitchens

Mr. Betts stated that a letter had been received requesting an extension on her previous approval to place her manufactured home. This will be her second extension.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously to grant an extension for Case No. 4283 for a period of one (1) year.

Motion was made by Mr. Wheatley, seconded by Mr. Callaway and carried unanimously that the meeting be ajourned.

Meeting adjourned at 8:33 P. M.