

Minutes of January 3, 2000

The regular meeting of the Sussex County Board of Adjustment was held Monday evening January 3, 2000, at 7:00 P.M., in the Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 P.M., with Chairman Callaway presiding. The Board members present were: Mr. Callaway, Mr. McCabe, Mr. Wheatley, Mr. Mills, Mr. Hudson, Mr. Berl – Assistant County Attorney, Mr. Rickard – Chief Zoning Inspector, and Ms. Jackson – Recording Secretary.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously to approve the Revised Agenda with a correction to reschedule Case #7042 to January 24, 2000 for further research.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of December 20, 1999 as circulated.

Mr. Berl read a statement explaining how the Board of Adjustment meeting is conducted and the procedures for hearing the cases.

Case No. 7046 – Mattie L. Waters – northwest of Road 227, 2,250 feet northeast of Route 16, George A. Metz Subdivision.

A special use exception to use a manufactured home for storage purposes.

Mr. Rickard presented the case. Mattie L. Waters was sworn in and stated that the size of the manufactured home is a 10x50; that the year of the manufactured home is approximately a 1970; that the manufactured home has been on the property for 2 years; that it does not have electric or a kitchen; that there are no other storage buildings on the property; and that there is an existing dwelling on the property that she lives in.

Robert Miller was sworn in and stated that he is in favor of the application.

The Board found that no parties appeared in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the special use exception be tabled until January 24, 2000. Vote carried 5 – 0.

Case No. 7047 – John R. and Andrea Douds – northwest of Route 54, northeast side of West Pond Circle, Lot 175, within Keenwick Sound Subdivision.

A variance from the side yard setback requirement.

Mr. Rickard presented the case. John R. and Andrea Douds were sworn in and testified requesting a 3 foot variance from the required 10 foot side yard setback requirement for an attached garage; that they bought the home in April; and that Keenwick Sound Homeowner's Association and their neighbor Barbara Veraa are in favor of the application.

The Board found that no parties appeared in opposition to the application.

Motion by Mr. McCabe, and seconded by Mr. Mills, and carried unanimously that the variance be granted. Vote carried 5 – 0.

Case No. 7048 – Ronald R. Lankford – northeast corner of Road 270 and Route One.

A special use exception to replace a billboard.

Mr. Rickard presented the case and submitted pictures to the Board of the site. Larry Holding was sworn in on behalf of the application and stated that they would like to repair or replace the billboard structure; that it is a double sided structure; that they would like to update the existing side and make the back side of the structure new; that the size of the billboard is a 12x24; and that the billboard has existed on the property for 25 years.

The Board found that no parties appeared in opposition to the application.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the special use exception be granted. Vote carried 5 – 0.

Case No. 7049 – Alfred S. and Deanner L. Tunnell - southwest of Road 326, ½ mile north of Road 318.

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

Mr. Rickard presented the case and read a letter from Mark J. Granada, M.D. Alfred Tunnell, Clarice Boyer and Duane Boyer were sworn in and testified requesting to place a manufactured home on a medical hardship basis for Clarice and Duane Boyer to take care of Clarice's mother, Deanner; that the size of the 1989 manufactured home is a 14x70; that her parents live in an existing double wide on the property; and that the proposed manufactured home will be placed to the side of the existing home.

Marvin Handy, neighbor, was sworn in and stated that he is in favor of the application.

Mr. Rickard read a letter from Drew D. Ward with Sussex Ventures, Inc. stating that he owns the property across the street and that he is in opposition to the application with concerns of the property having a steep slope and questions how a mobile home can be placed on the lot in such a way as to present a neat appearance; that the lot contains trash and other refuse; questioning how the lot owner is going to maintain two homes, when it seems hard for them to keep one presentable; and that the proposed placement would detract from the lots they are trying to sell.

The Board found that no parties appeared in opposition to the application.

Motion by Mr. Mill, seconded by Mr. McCabe, and carried unanimously that the special use exception be granted for a period of 2 years. Vote carried 5 – 0.

Case No. 7050 – Goldie Mae James-Grant – southeast of Road 525, north side of Booker T. Washington Street, Lot 17, with Messick Development Subdivision.

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

Mr. Rickard presented the case and read a letter from Mir M. Mousavi, M.D. Alicia S. James was sworn in and testified requesting to place a second manufactured home on a medical hardship basis to help care for her mother; that her mother lives in an existing dwelling on the property; and that the year of the manufactured home is a 1987.

Pamela James was sworn in and stated that she is in favor of the application.

The Board found that no parties appeared in opposition to the application.

Motion by Mr. Mill, seconded by Mr. Wheatley, and carried unanimously that the special use be granted for a period of 2 years. Vote carried 5 – 0.

Case No. 7051 – Gilford Satterfield – east of Road 327, 1,600 feet north of Route 26, Lot 8, within Dogwood Estates Subdivision.

A variance from the front yard setback requirement.

Mr. Rickard presented the case. Gilford Satterfield was sworn in and testified requesting a 2 foot variance from the required 40 foot front yard setback requirement for a front porch; that seven of his neighbors were in favor of the application; and that the builder with Bastian Homes obtained the permit for him.

Mrs. Satterfield, Carolyn Newman and Gilbert Michael were sworn in and stated that they were in favor of the application.

The Board found that no parties appeared in opposition to the application.

Motion by Mr. McCabe, seconded by Mr. Wheatley, and carried unanimously that the variance be granted. Vote carried 5 – 0.

Case No. 7052 – Donald R. Arner – southwest of Road 395 and being north of Captain's Lane and 150 feet west of Bay View West, Lot 32, Block 1, within Bay View Estates Subdivision.

A variance from the front yard setback requirement.

Mr. Rickard presented the case. Donald R. Arner was sworn in and testified requesting a 5.5 foot variance from the required 30 foot front yard setback requirement for a covered deck; that in May 1999 his builder, Barry Dickerson with Seashore Builders, obtained the permit for him; that he tried reaching his builder but was unsuccessful in reaching him to let him know about the problem; that the builder had told him that it would take 7 to 10 days to build the deck but took him 16 weeks; and that this is his beach home.

Gwenyth Arner was sworn in and stated that the builder had told her that they had more than enough room to build the deck.

The Board found that no parties appeared in opposition to the application.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the variance be granted. Vote carried 5 – 0.

Case No. 7053 – Sabatrie Singh – east of Road 434, 700 feet north of Road 472.

A variance from the setback requirement for a poultry house.

Mr. Rickard presented the case. Sabatrie Singh was sworn in and testified requesting a 130 foot variance from the required 200 foot requirement from a dwelling not on the property; that she would like to place 2 chicken houses on the property; that she bought the land in 1992; that she moved there in October; that she bought the land from Laurel Realty; that when she purchased the land she was told that she could place chicken houses there; and that there is an existing dwelling on the front of the property.

Mr. Mills stated to the applicant that if she moved the chicken houses further to the west of the property that she could place one chicken house legally.

Wayne L. Brittingham representing Perdue Farms Inc., was sworn in and stated that he is in favor of the application; that the size of the chicken houses are 40x500; that Purdue Farms Inc. requires 50 feet between chicken houses; that the home in question was placed there after the applicant bought the property; and that he believes the owner will maintain the property.

Joyce Spencer, spokesman for 19 people in opposition, was sworn in and stated that they were concerned about where the compost will be placed; that the water will be polluted from the chicken uses; that the property values will decrease; that they are concerned about the smells from the chicken houses; and that goats and ducks roam on neighbors property.

Eugene Purnell was sworn in and stated that he is in opposition to the application; that his home is 33 feet not 70 feet from the proposed chicken houses; that he has concerns with the exhaust fans, dust, and smells from the chicken houses.

Charles Fink was sworn in and stated that when he bought his land he thought there were restrictions; that he has spent at least \$100,000 to live there and that he does not want the chicken houses.

Troy Eisenhower was sworn in and stated that he owns the property across the road; that there are a lot of children in the area; and that the area does not need the truck traffic.

Robert Singh, brother-in-law, was sworn in and stated that he is in favor of the application and that his wife owns property with other chicken houses in the area.

Mr. Rickard stated that he recommends a proposed survey with the proposed uses since the applicant is not exactly sure what variance is needed.

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the variance be denied because it could adversely affect adjacent property owner.

Vote carried 5 – 0.

Case No. 7054 – Ethel and Luann Keneagy – northwest of Shady Lane, 650.67 feet northeast of Road 298, Lot 11, within Shady Lane Development.

A variance from the rear yard setback requirement.

Mr. Rickard presented the case. Ethan and Luann Keneagy were sworn in and testified requesting a 15 foot variance from the required 20 foot rear yard setback requirement for a 24x40 garage; and that his neighbors are in favor of the application.

The Board found that no parties appeared in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be granted. Vote carried 5 – 0.

Case No. 7055 – Carroll W. Wilhelm – south of Route 54, west of Tyler Avenue, 1,023.8 feet south of Lincoln Drive, Lot 30, within Cape Windsor Subdivision.

A variance from the side yard setback requirement.

The application was withdrawn.

Case No. 7056 – Robert and Catherine Willey – northeast of Route 5, 142 feet northwest of Road 255.

A variance from the front yard setback requirement.

Mr. Rickard presented the case. Jeff Hill, Steve Willey and William Jefferson were sworn in and testified requesting a 4 foot variance from the required 40 foot front yard setback for a 36x90 truck shed; that they cannot move the truck shed due to underground tanks and the well; that a conditional use exists on the property; and that the properties are going to be combined into one parcel eliminating the need for a side yard variance.

Robert Nash was sworn in and stated that he works for Charles D. Murphy and that he is in favor of the application.

The Board found that no parties appeared in opposition to the application.

Motion by Mr. Mill, seconded by Mr. Wheatley, and carried unanimously that the variance be granted. Vote carried 5 – 0.

Old Business

Case No. 7042 – Colonial Estates, Inc. – northeast of Road 331 and 250 feet southeast of Road 331-A.

A variance to permit continuation of previously existing encroachments into buffer zone on lots 5,10,11,25,30,33,53, and 55, and a variance from the setback requirement on lots 1 and 26, Colonial Estates Mobile Home Park.

The variance has been rescheduled as an Old Business item on January 24, 2000.

Case No. 7044 – Robert and Maydean Miller – northwest of Road 227, 2,200 feet northeast of Route 16, on a private street, Lot 8, George A. Metz Subdivision.

A special use exception to use a mobile type structure for storage.

Motion by Mr. Mills, and seconded by Mr. Wheatley, and carried unanimously that the special use exception be tabled until January 24, 2000. Vote carried 5 – 0.

Meeting Adjourned 8:45 P.M.