

Minutes of January 4, 1993

The regular meeting of the Sussex County Board of Adjustment was held on Monday evening, January 4, 1993 in the County Council Chambers, Room 115, Courthouse, Georgetown, Delaware.

The meeting was called to order at 6:57 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. Callaway and carried unanimously that the minutes of December 21, 1992 be approved as circulated.

Case No. 4976--Lester E. & Kathie L. Shockley - North side of Route 335, 2,400 feet east of Route 335A.

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. Lester & Kathie Shockley were sworn in and testified, requesting to place a 1970, 12'x 70' manufactured home on property they are purchasing for their permanent residence. They testified that there are other manufactured homes in the area.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the special use exception be granted.

Case No. 4977--David & Janice Erb - East side of Route 30, 590 feet southeast of Route 31.

A special use exception to place a second manufactured home to be connected to the existing manufactured home to be used as one single-family unit.

The case was presented by Mr. Betts. David & Janice Lee Erb were sworn in and testified, requesting to connect a 1966 manufactured home to an existing manufactured home to become one single-family unit. There will only be one kitchen in the units. The units have already been connected together and the applicants are in the process of putting on vinyl siding. They will add a A-Frame roof.

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, with the stipulation that an A-Frame roof be put on the units within two (2) years.

Case No. 4978--Jon M. Presley - West side of Dune Road, 120 feet north of Evergreen Road, Lot 7, within Middlesex Beach.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Eldridge Murray, III was sworn in and testified, representing Jon Presley, who requested a 5' variance from the 30' required front yard setback to be 25', for a deck and screen porch. The property being Lot 7, within Middlesex Beach. Mr. Murray stated that Middlesex Beach has a Homeowners Association and he was not aware that County regulations supersede Middlesex regulations. Mr. Murray had obtained a building permit. He testified that neighbors have situations such as he requests. He stated that the applicant will be out no further than neighbors houses. Pictures were shown and presented.

Mr. Jones, Attorney, stated that both the County and Middlesex Beach Homeowners Association have authority and both regulations have to be met.

Mr. Betts stated that other variances in the block have been granted. He stated also that the building permit had been issued correctly

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Callaway and carried unanimously that the variance be granted.

Case No. 4979--Ralph J. Benso - North side of Route 16, 700 feet southwest of Route 632.

A variance from the rear yard setback requirement.

The case was presented by Mr. Betts, Ralph Benso and Ray Ellerman were sworn in and testified, requesting a 39' variance from the rear yard setback requirement of 40' to be 1' in a LI-1 District. The rear yard setback is required to be 40' in an LI-1 District when adjacent to an AR-1 District. The applicant has a business on the property and wants to add an 80' building to provide more storage space for inventory. It was stated that there is no other place on the property to put the building because of the septic tank and mound system on the property. Mr. Ellerman stated that a 40'x 60' pre-fab building has been delivered to the property which would only require a 19' variance, but they propose to add a 20' bay and that would require a 39' variance. Mr. Benso stated he notified the adjoining neighbor of his intention. He also stated that he has option from neighbors to buy additional acreage for his business, but a variance is needed.

Frances Harvey was sworn in and testified in behalf of the requested variance. She works for the applicant and stated that more space is needed to store material.

Marietta Wooleyhan adjacent property owner was sworn in and testified. Ms. Wooleyhan testified that she is 1/3 owner of the adjacent farm. She referenced other businesses in the area. She

feels the applicant's building would be too close and could cause trespassing on her land. She testified that she would sell additional land to the applicant, one or two acres. She stated that the applicant's business is well kept, but she is concerned that someday someone else may own the property and things could change. She is opposed to any variances.

Mr. Benso referenced the Zoning Code and the setbacks to which Mr. Betts explained the Code and setbacks adjacent to a residential district.

Mr. Benso stated he could go along with the 19' variance for a 60' building, but prefers the variance requested.

Mr. Ellerman stated that the applicant had painted all the buildings to match the new building so as not to create an eyesore.

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. Wheatley, seconded by Mr. Callaway and carried unanimously that the variance for 19' be granted.

Case No. 4980--William H. Handloser - East side of Route 561, 450 feet south of Route 546.

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

The case was presented by Mr. Betts. William Handloser was sworn in and testified, requesting to place a 10'x 50' manufactured home with an 8'x 12' tip-out on his property on medical hardship basis for his 83 year old mother-in-law to live in. He testified that he lives in a house on the property and his mother-in-law needs care. A letter from a doctor had been received referencing Mr. Handloser's mother-in-law's health.

There were no parties present in opposition.

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

Case No. 4981--Herbert Pettyjohn - North side of Route 207, 1,100 feet east of Route 30.

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. Herbert Pettyjohn was sworn in and testified, requesting to place a two bedroom manufactured home on his property for his permanent residence. There had been a non-conforming manufactured home on the property and was moved off March of 1990. A manufactured home has to be replaced

within two years or Board approval is needed to place another unit on the property. There are other manufactured homes in the area.

There were no parties present in opposition.

Motion was made by Mr. Callaway, seconded by Mr. Mills and carried unanimously that the special use exception be granted.

Case No. 4982--John W. & Elizabeth M. & Richard F. Cook - On a private road on the northwest side of Route 500, 2,150 feet northeast of Route 498.

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. John & Richard Cook were sworn in and testified, requesting to place a 1987, 14'x 70' manufactured home on property for Richard Cook's permanent residence. They feel the manufactured home will not be out of character with the area, nor have a negative impact on the area.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the special use exception be granted.

Case No. 4983--Pamela R. Brodersen - Southwest side of Route 284, 1,000 feet northwest of Route 24.

A variance from the side yard and the front yard setback requirements.

The case was presented by Mr. Betts. Pamela Brodersen and W. David Racine, her father, were sworn in and testified, requesting a 1' variance from the 10' side yard setback requirement and a 7' variance from the 40' front yard setback requirement to be able to remodel an older home for his daughter. The home which is presently 9' from the side property line has an 8'x 18' room out in front with two indents that they propose to enclose and square the house up. To move the house over would require house movers and a big expense to the applicant.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Callaway and carried unanimously that the variance be granted.

Case No. 4984--William L. Phillips, Jr. - On a private road on the west side of Route 413B, 3/4 mile northwest of Route 26.

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. William L. Phillips, Jr. was sworn in and testified, requesting to place a 28'x 70' double-wide manufactured home on his property for his permanent residence. There are other manufactured homes in the area. Mr. Phillips stated he feels the manufactured home will not change the area.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the special use exception be granted.

Case No. 4985--Frank Geserick, Sr. & Doris Geserick - South side of Route 480, 480 feet east of Route 489.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Frank Geserick, Sr. and Woody Disharoon were sworn in and testified, requesting a 9" variance from the 15' side yard setback for a dwelling already constructed. The dwelling has been on the property over two years. The property is on an angle and when the dwelling was built it was measured incorrectly. They feel the dwelling has no negative impact on the adjacent property.

There were no parties present in opposition.

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

Case No. 4986--Francis N. & Sonia Rakowski - At the end of Route 297A, on the northeast side of Elizabeth Street, 450 feet northwest of Delaware Avenue, Lot 35, within Bowden Estates.

A variance from the front yard setback requirement on a through lot.

The case was presented by Mr. Betts. Francis & Sonia Rakowski were sworn in and testified, requesting a 20' variance from the 30' setback requirement from Bowden Street, on Lot 35, Bowden Estates on a lot 87'x 112'. The applicants have a 8'x 12' shed on their property on skids and they want to move it closer to the property line than is required. The lot is a through lot which has two frontages. They testified there is no other place on the property to put the shed. They stated that the street is an access street not heavily traveled. The applicants testified that there are other situations like theirs in the development.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Callaway and carried unanimously that the variance be granted.

Case No. 4987--Anthony P. Triglia - East side of Route 13A, 400 feet north of William Street, Lots 15-18 and 23-26, Blk. 2, within J. William

Freeney Subdivision.

A special use exception to place a manufactured home for security purposes.

The case was presented by Mr. Betts. Anthony Triglia was sworn in and testified, requesting to place a 1977, 14' x 70' manufactured home on his property for security purposes for his business. The manufactured home will be used for security for his trucking business. He testified he has had problems on the property and police have had to be called. The property has lights through out, but other security is needed. Mr. Triglia stated he will hire someone to live in the manufactured home and for security.

There were no parties present in opposition.

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

OLD BUSINESS

Case No. 4960 (cont'd.)--North Ocean City Limited Partnership -
South side of Route 54, at Jefferson
Avenue.

A special use exception to use a manufactured home as a temporary Real Estate Office.

The case was reviewed by Mr. Betts.

After some discussion, motion was made by Mr. Wheatley, seconded by Mr. Mills and carried unanimously that the special use exception be granted for a period of three (3) years, finding the use will not substantially affect adversely the uses of adjacent and neighboring properties, it is adjacent to a B-1 District and other commercial uses in the area, will reduce traffic in a residential area and be safer.

OTHER BUSINESS

Letter from Jeffrey M. Zell addressed to the Chairman of the Board pertaining to a dwelling in The Preserve about possible height and setback violations.

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

Meeting adjourned at 8:07 P. M.