

Minutes of January 6, 1992

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, January 6, 1992 in the County Council Conference Room, 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. Stuchlik, Mrs. Hudson, Mr. Carey, Mr. Jones-Attorney and Mr. Betts-Zoning Inspector.

Motion was made by Mr. Stuchlik, seconded by Mr. Carey and carried unanimously that the minutes of December 16, 1991 be approved as circulated.

Case No. 4601--Elmer F. Quillen, Jr. - Southside of Balsa Street, 400 feet southwest of Sally's Drive, southwest of Route 361, Lot 3, within Quaint Acres.

A variance from the setback requirements for a through lot.

The case was presented by Mr. Betts. Elmer Quillen, Jr. was sworn in and testified, requesting an 8' variance from the rear property line on a through lot where 30' is required. Mr. Quillen testified that he had obtained a building permit to construct a garage on Lot 3 in Quaint Acres. The permit had a 20' rear yard setback on it and it should have been 30'. The permit was issued for a regular lot and not a through lot.

There were no parties present in opposition.

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

Case No. 4602--Donna L. Short - Southwest side of Route One, ½ mile northwest of Route 206, Lot F-23, within Shawnee Acres.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Donna L. Short was sworn in and testified, requesting a 2' variance from the 30' front yard setback requirement for a porch on a dwelling. Ms. Short testified that she purchased the property seven years ago and the house was constructed and a Certificate of Occupancy was issued. She was not aware of the porch encroachment until a survey was done for re-financing.

There were no parties present in opposition.

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

Case No. 4603--Mitchell, Jr. & Beverly Fawcett - North side of  
Route 24, 500 feet west of Route 309.

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

The case was presented by Mr. Betts. Mitchell Fawcett was sworn in and testified requesting to continue the use of a manufactured home for security purposes. The manufactured home was approved for security for a Garden Center Business for a period of five years. The applicant is renewing the application. He testified that there is no change in the use. Pictures were presented.

Irma J. Fawcett, mother, was sworn in and testified in behalf of the application.

There were no parties present in opposition.

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

Case No. 4604--Oscar H. Warrington, Jr. - Northwest side of Route  
268, 1873 feet north of Route 267.

A variance from the side yard setback requirement, the square footage requirement for a lot, and the lot width requirement.

The case was presented by Mr. Betts. Oscar Warrington, Jr. was sworn in and testified and was represented by Howard Hudson, Attorney. Mr. Warrington has 31.92 acres with three stores on it that were constructed close together. He proposes to subdivide a parcel with a convenience store on it and convey it to his son. He will retain the remainder of the property with two stores. Because of the location of the store to be conveyed, he cannot meet the side yard setbacks and is requesting a 2.5' variance on Parcel 1 and Parcel 2, from the 5' side yard setback requirement. He requests a lot width of 82.925' where 150' is required on Parcel 2. On Parcel 1, he requests a lot width of 135.725' where 150' is required. He also requests a variance on Parcel 2 of 4,206 square feet from the 21,780 square foot required for a lot.

There were no parties present in opposition.

Motion was made by Mr. Stuchlik, seconded by Mr. Carey and carried unanimously that the variances be granted.

Case No. 4605--Herbert A. & Diana F. Tunis - Northeast side of  
Route 518, 520 feet southeast of Route 9.

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. Diana Tunis was sworn in and testified, requesting to place a new 1990, 24'x 52'

manufactured home on their property for their residence. She testified that there are no other manufactured homes in the immediate area.

There were no parties present in opposition.

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

Case No. 4606--John & Barbara Hughes - End of Route 279, southeast of Route 277, Lot F-23, within Herring Landing.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Ray McCabe was sworn in and testified, representing the applicants who requested a 5' variance from the 15' side yard setback requirement to be 10'. The property being Lot F-23, Herring Landing. Mr. McCabe testified that without the variance the applicants could not build the size home they want with a two-car garage. He stated that there is wetlands to the rear of the property. The dwelling will be a full time residence for the applicants.

Elaine Dewey was sworn in and testified that she is a neighbor, and questioned the location of the variance in respect to her property.

There were no parties present in opposition.

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

Case No. 4607--Gerald L., Jr. & Michele D. Webb - North side of Route 238, 4300 feet west of Route 226.

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. Gerald Webb was sworn in and testified, requesting to place a 1984, 14'x 70' manufactured home on their property for their residence. He testified that there are other manufactured homes in the area.

There were no parties present in opposition.

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

Case No. 4608--William C. Ruhe - Northwest side of Route 54, east of Route 381, Lot 12A, within Swann Keys.

A variance from the setback requirement between units in a park.

The case was presented by Mr. Betts. Nanette Ruhe was sworn in and testified, requesting a 4' variance from the 20' setback requirement between units to be 16', on Lot 12A, Swann Keys. The applicant testified they propose to replace a 12'x 60' manufactured home with a 1991, 14'x 76' manufactured home and a variance is needed.

There were no parties present in opposition.

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

Case No. 4609--Jane Ellan Golde & Elizabeth B. Sargent - East side of Route 532, 370 feet south of Route 18.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Jane Ellan Golde was sworn in and testified and was represented by Eric Howard, Attorney. Ms. Golde testified that she and Ms. Sargent purchased a property with a home and storage barn on it. Their intent was to restore the home. They no longer can renovate due to finances and have a buyer for the property contingent on the variance approval to leave the shed in its present location. When the property was surveyed it was found the storage barn encroaches into the side yard setback. They are requesting a 15' variance from the 15' side yard setback requirement. It would be a hardship to move the shed.

Shirley Ann O'Hara was sworn in and testified that she and her husband are from New Jersey and they propose to purchase the property and restore it. They need the shed since they propose to turn it into a garage to store 5 to 6 classic cars. It will be for their own private use.

There were no parties present in opposition.

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

Case No. 4610--William H. Derrickson - East side of Route 347, 3/4 mile north of Route 349.

A special use exception to place a second dwelling on a parcel for summer use.

The case was presented by Mr. Betts. William Derrickson was sworn in and testified, requesting to construct a second dwelling on his property of 67.90 acres to be used as a summer home. It will be to the rear of the property. He testified no one else resides in the existing home. Mr. Derrickson testified he lives in Seaford and will use the new home in the summer months until Labor Day. It was stated that there is an existing 30' to 40' wide road on the property. Mr. Derrickson testified that he will subdivide the property if necessary.

Jed Derrickson, son, was sworn in and testified in behalf of

his father's request.

There were no parties present in opposition.

Mr. Derrickson testified that the subdivision and survey has been done if needed.

Motion was made by Mr. Carey, seconded by Mr. Stuchlik that the case be tabled to be able to seek advice and guidance from Mr. Lank in the Planning and Zoning Office about subdividing.

Case No. 4611--Gladys R. Wise - Southwest side of Route One, 800 feet north of Route 271, Lot J-75, within Sea Air Mobile City.

A variance from the setback requirement between units in a park.

The case was presented by Mr. Betts. Gladys Wise was sworn in and testified, requesting a variance of 9'7" from the required 20' setback requirement between units in a park to be 10'5". The property being Lot J-75 in Sea Air Mobile City. She proposes to construct a porch on her home and a variance is needed.

Anthony Bryan, Manager, of the park was sworn in and testified that there are other similar variance's in the park. He testified that the park has no objection.

There were no parties present in opposition.

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

Case No. 4612--Karl H. Heilman & Robert K. Heilman - Southwest side of Route One, 800 feet north of Route 271, Lot B-3, within Sea Air Mobile City.

A variance from the setback requirement between units in a park.

The case was presented by Mr. Betts. Robert Heilman was sworn in and testified, requesting a 3'1" variance from the 20' requirement between units in a park, being Lot B-3, Sea Air Mobile City. The applicants wish to replace an existing manufactured home with a 1990, 14'x 70' manufactured home. The existing manufactured home is 16'11" from an addition on an adjoining lot. They propose to put the new manufactured home where the existing one is now.

Anthony Bryan, Park Manager, sworn in on the previous case testified in behalf of this application.

There were no parties present in opposition.

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

OLD BUSINESS

Case No. 4595 (cont'd.)--Adria Margum - West side of Route 443,  
2276 feet northwest of Route 442.

A special use exception to place a manufactured home in an AR-1 District on a medical hardship basis.

Mr. Betts reviewed the case. He reported to the Board as requested that after an on-site inspection, he found that the manufactured home can be placed on the property to the rear to make it less visible to the road.

After some discussion, motion was made by Mr. Carey, seconded by Mr. Stuchlik and carried unanimously that the special use exception be granted on the basis of hardship for a period of two (2) years, with the stipulation that the manufactured home be placed behind the house to the rear of the property in a location less visible from the road.

OTHER BUSINESS

Case No. 4592 - Dawn Walls

Mr. Betts stated that he had been contacted in reference to this case, that at their public hearing on December 16, 1991, the Board approved a special use exception for Ms. Walls to place a manufactured home on a private lot. Mr. Walls, her father, explained to Mr. Betts that they had intended to present the case as a second on farm manufactured home rather than a private lot. They would like the Board to rescind the approval and make it as a second manufactured home on farm.

After some discussion, motion was made by Mrs. Hudson, seconded by Mr. Carey and carried unanimously to rescind the approval on Case No. 4592 from December 16, 1991 and approve it as a second on farm manufactured home, with the stipulation that it not be rented out.

Discussion - Letter received from a previous applicant in Angola By the Bay concerning his/her case.

Case No. 4283 - Martha L. Hitchens

Mr. Betts stated that a letter had been received from Ms. Hitchens requesting an extension on her previous case, due to septic delay.

Motion was made by Mr. Stuchlik, seconded by Mr. Carey and carried unanimously that an extension be granted on Case No. 4283 for six (6) months.

Meeting adjourned at 8:22 P. M.