

Minutes of January 12, 1998

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, January 12, 1998 in the County 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, Mrs. Hudson, Mr. Mills, Mr. Wheatley, Mr. Jones-Attorney, Mr. Rickard-Chief Zoning Inspector and Mrs. Talley-Recording Secretary.

Motion was made by Mr. McCabe, seconded by Mrs. Hudson and carried unanimously that the minutes of January 5, 1998 be approved as corrected. Vote 5-0.

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

Case No. 6498--James Brittingham - South side of Route 54, 3,777 feet east of Route 504.

A special use exception to place two manufactured homes to be connected and used as one single family unit.

The case was presented by Mr. Rickard. James Brittingham and Judy McCrobie were sworn in and testified. The applicant requested to connect two manufactured homes together to provide more living space. Mr. Brittingham presented prepared material to show what he was requesting and how the completed project will look. One manufactured is a 1988, 14'x 68' unit existing, and the other is a 1979, 14'x 60' unit. The overall measurements when completed will be 26'x 68'. The units will have one A-Frame roof, matching vinyl siding, one kitchen and be one living unit. He stated that he should have the work completed within two years or sooner. The new manufactured home will provide living quarters only. The existing manufactured home already has an addition on it.

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 as proposed and to be completed within two (2) years. Vote 5-0.

Case No. 6499--Nicholas G. & Mary Jane Spalaris - Northeast side of Vasar Drive, 140 feet south of Radcliffe, Lot 116, Sec. 4, within Maplewood.

A variance from the side yard setback requirement.

The case was presented by Mr. Rickard. Margaret Wilson was sworn in and testified representing the applicants who requested a 2' variance from the side property line requirement of 10', for a proposed garage to be built on Lot 116, within Maplewood. Ms. Wilson stated that the lot is 80' wide and the garage will be 12' x 24' in size. There is a vacant lot next to the applicants property.

By a show of hands there were four (4) people present in opposition.

Dan Ballard, Vice President of the Architectural Committee was sworn in and testified in opposition. He stated that the Committee is opposed to the variance request. They want to maintain the proper setbacks between buildings. He stated that there are 187 lots in the development and 57 homes. He is not aware of any other variance being granted within the development. He feels the people purchasing the property should know the size of the lot when purchased. He stated that the covenants in Maplewood prohibit this. He feels the garage can be built in front or back on the property and not interfere with the neighbors.

Mr. Rickard stated that one front yard variance had been granted in Maplewood.

Ms. Wilson stated that she feels they can re-do and put the garage in the back and the applicants are aware of the covenants.

Robert McCormick was sworn in and testified in opposition stating that the one variance granted in Maplewood was to change the face of the house to accommodate a garage entrance on a corner lot.

Motion was made by Mrs. Hudson, seconded by Mr. McCabe 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. Mills and carried unanimously that the variance be denied, finding the applicants failed to meet the requirements for the granting of a variance from the provisions of the Delaware Law and Sussex County Code. Vote 5-0.

Case No. 6500--Jehu E. Lynch, Jr. - South side of Route 381A, 1/4 mile east of Route 382.

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

The case was presented by Mr. Rickard. Jehu Lynch, Jr. and his mother, Rachel Lynch were sworn in, and Mrs. Lynch represented her son who is deaf. Mrs. Lynch requested to retain the manufactured home that is located on her property on the basis of hardship for her son. The time period has expired and Board approval is needed to retain the manufactured home.

Mr. Rickard stated that the original application was approved in 1972.

There were no parties present in opposition.

Motion was made by Mr. McCabe, seconded by Mr. Mills and carried unanimously that the special use exception be granted on medical hardship basis for a period of two (2) years. Vote 5-0.

Case No. 6501--Pauline G. Buckman - Southwest side of Oak Street,  
350 feet northwest of Road 362, Lot 18,  
Block A, within Shady Dell Park.

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

The case was presented by Mr. Rickard. Bill Wolfe, Realtor, was sworn in and testified and Robert Witsil, Attorney, represented the applicant. The applicant requested a 8.02' variance from the 30' front yard setback requirement and a 10' variance from the side yard setback requirement for an existing manufactured home that has been on the property since 1972. Mr. Witsil presented prepared material to the Board. Mr. Witsil stated that the applicant bought Lot 18 and 19, within Shady Dell Park and placed a manufactured home on Lot 18, but did not place a unit on Lot 19. Pictures were presented. The applicant sold Lot 19 and a manufactured home was placed on it by the owner. Ms. Buckman put her lot up for sale and when a survey was done it revealed an encroachment. Mr. Witsil stated that the applicant has had no complaints and the Shady Dell Committee was told about the meeting. He feels there are unique circumstances and the dealer placed the manufactured home on the lot. It is a hardship to the applicant. He feels the use will not affect the essential character of the neighborhood.

Mr. Wolfe testified that he was the realtor for the property.

Mr. Jones stated that the material presented was evidence confirming testimony given.

Mr. Witsil stated that there have been other variances granted in Shady Dell.

Mr. Rickard stated that numerous variances have been granted within the park for both side and front yards.

There were no parties present in opposition.

Motion was made by Mr. McCabe, seconded by Mr. Wheatley and carried unanimously that the variances requested be granted. Vote 5-0.

Case No. 6502--Richard Westergren - Poyant Signs - East side of Route One and Route One A, Lots 1, 2, 7, and 9, Rehoboth Professional Center.

A variance from the requirements for signs.

The case was presented by Mr. Rickard. Charles Eckelman, District Manager for the Company, was sworn in and testified representing the applicant, who requested a variance from the requirements for signs. The applicant now has one wall sign for his business and is requesting to have two wall signs. Mr. Eckelman stated that the store occupies a corner lot and has two frontages. The applicant wants a second wall sign to be viewed from Route 1A. The existing sign cannot be seen driving north. The building sets at an angle on Route 1A. The letters on the sign will read "Golf Day".

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. McCabe and carried unanimously that the variance requested be granted. Vote 5-0.

Case No. 6503--Indian River Volunteer Fire Co. - East side of Route 298, 253 feet north of Route 22, Lot 17, within James and Audrey Palmer Subdivision.

A variance from the side yard setback requirement.

The case was presented by Mr. Rickard. Leon W. Hall was sworn in and testified, representing the Indian River Volunteer Fire Co., who requested a 7' variance from the 10' side yard setback on Lot 17, within James and Audrey Palmer Subdivision. They want to construct a 12' addition to keep equipment in. He stated that the addition is needed for the equipment and also will improve the response to calls and improve the looks of the building. He stated that they now have to go out of the rear of the fire house and people coming in on Route 298 have to go in front of the equipment. He stated that this addition is not to the main station.

Mr. Rickard read a letter into the record from Michael & Joyce Bowden voicing no objections.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the variance requested be granted. Vote 5-0.

OTHER BUSINESS

Case No. 6488--Avis C. Mannino - South side of Route One,  
Whisperwood Lane, Lot 1, Block 6, within  
Breezewood.

A variance from the front yard setback requirement

Request for a rehearing.

Mr. Rickard stated that he had received a letter from Mr. Mannino, which he read into the record, requesting a rehearing for his Board case that was denied on December 15, 1997, Case No. 6488, due to lack of representation. He stated that his Attorney Barbara O'Leary had failed to appear on his behalf as his agent for personal reasons. He requested a rehearing. Mr. Rickard also read a letter he had written the applicant advising him of the Board's decision, and a letter addressed to Mr. Mannino from Barbara O'Leary, Esquire.

Motion was made by Mr. McCabe, seconded by Mrs. Hudson and carried unanimously that the request for a rehearing for Case No. 6488 be granted, to be readvertised as a new hearing and a new fee be paid. Vote 5-0.

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

Meeting adjourned at 7:50 P. M.