

MINUTES OF JANUARY 13, 2003

The regular meeting of the Sussex County Board of Adjustment was held Monday evening January 13, 2003, at 7:00 p.m. 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, Mr. Mills, Mr. Workman and Mr. Hudson, with Mr. Berl – Assistant County Attorney, Mr. Oates and Mrs. Heffelfinger – Zoning Inspectors, and Mrs. Norwood – Recording Secretary.

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously to approve the Revised Agenda. Vote carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of December 23, 2002. Vote carried 5 – 0.

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

Case No. 8060 – Sarah Latsch – south of Road 207, 150 feet east of Road 38.

A variance from the minimum square footage and lot width for a parcel.

Mrs. Heffelfinger presented the case. Sarah and Jarrod Latsch were sworn in and testified requesting a variance from the minimum square footage and lot width for a parcel; that the Applicant wishes to divide the parcel in half to create a parcel for a proposed dwelling; that the existing dwelling will remain; and that the size of the proposed lots will still be larger than most surrounding lots.

By a show of hands, 2 parties appeared in favor of the application.

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

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

Case No. 8061 – Callaway, Farnell and Moore, Inc. – west of U.S. Route 13, 293 feet south of U. S. Route 13-A.

A variance for an additional ground sign.

Mrs. Heffelfinger presented the case. Dee Cross was sworn in and testified requesting a variance for an additional ground sign; that a previous variance was granted for an existing sign; that the proposed sign will be one sided and will measure 10' x 30'; and that the sign will be used for advertising the existing business.

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

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the variance be **granted for a single-sided, 300-square-foot sign and to be used only by the current business**. Vote carried 5 – 0.

Case No. 8062 – JKJ Properties LLC – east of Route 113, 200 feet north of Road 207.

A variance for a second wall sign.

Mrs. Heffelfinger presented the case. Larry Holding was sworn in and testified requesting a variance for a second wall sign; that the proposed sign will measure 4'x 42'; that the wall coverage of the sign will be less than 15%; that he believes that similar variances have been granted in the past; and that he submitted pictures.

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

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the case be **tabled until January 27, 2003**. Vote carried 5 – 0.

Case No. 8063 – Preston A. Hudson – northeast of Road 388, 890 feet southeast of Route 17.

A special use exception to operate a golf driving range.

Mrs. Heffelfinger presented the case. Preston A. Hudson was sworn in and testified requesting a special use exception to operate a golf driving range; that his 5-year approval expired; and that the driving range has not had any problems and has existed since 1985.

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

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

Case No. 8064 Christopher Valenti – northeast of Road 266 (New Road), being Lot 1, within Lands of L. Lebreton Subdivision.

A special use exception to retain a manufactured home type structure for office use.

Mrs. Heffelfinger presented the case. Christopher Valenti was sworn in with Tim Willard, Attorney, on behalf of the application, requesting a special use exception to retain a manufactured home type structure for office use; that a special use exception was granted for the nursery in 1985; that a special use exception was granted for an office trailer in 1997; that the special use exception for the office will expire in February 2003; that they wish to retain the use of the office and would like to expand the office by connecting a second unit; that the existing unit measures 12'x 56' and the additional unit will also measure 12'x 56'; that there are other businesses located in the area; and that they submitted pictures.

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

Motion by Mr. McCabe, seconded by Mr. Hudson, and carried 4 – 1, with Mr. Mills opposing the motion that the special use exception be **granted**.
Vote carried 4 – 1.

Case No. 8065 – Teresa Alexander – east of Road 42, 1, 150 feet south of Route 16.

A variance from the minimum lot width requirement for a parcel.

Mrs. Heffelfinger presented the case. Nelson and Teresa Alexander were sworn in and testified requesting a 99-foot variance from the required 150-foot road frontage; that the original parcel is 5-acres; that her parents own the existing single-wide unit; and that they propose to place a double-wide unit on the new parcel.

By a show of hands, 1 party appeared in support of the application.

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

Motion by Mr. McCabe, seconded by Mr. Workman, and carried unanimously that the case be **tabled until January 27, 2003**. Vote carried 5 – 0.

Case No. 8066 – Atlantic Auction Co., Inc. – north of Road 381-A, 676 feet east of Road 382.

A variance from the minimum lot width requirement for a parcel.

Mrs. Heffelfinger presented the case. Robert Kauffman was sworn in and testified requesting a 25-foot variance from the required 150-foot road frontage; that surrounding parcels are all 1 to 2-acre parcels; and that he wants to create lots of the same size.

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

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

Case No. 8067 – Eric C. Sugrue – east of Route One, 50 feet south of F. Benson Street, being Lot 1, within Dodds Addition Subdivision.

A variance from the off street parking requirement for multi-family structures.

Mrs. Heffelfinger presented the case. Eric C. Sugrue was sworn in and testified requesting a variance for 4-parking spaces from the required 6-parking space requirement for off-street parking; that he has been approved to build a second story addition on an existing dwelling to create a 2-unit multi-family structure; that he only has 50-foot to create the parking spaces, and at the time of the approval for the multi-family structure he did not realize that each parking space would have to be 10-foot wide; and that the proposed construction is on hold pending the approval of this hearing.

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

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

Case No. 8068 – Timothy A. and Janice F. Lehmann – south of Route One, west of Rogers Avenue, being Lot 23, within Ann Acres Subdivision.

A variance from the side yard setback requirement, and a variance from the side and rear yard setback requirements for an accessory structure.

Mrs. Heffelfinger presented the case. Chris Hohlman, Attorney, on behalf of the application, requesting a 1.1-foot variance from the required 5-foot rear yard setback requirement and a 2.2-foot variance from the required 5-foot side yard setback requirement for an existing shed, and a 4.1-foot variance from the required 10-foot side yard setback for an existing outside shower, and a 0.4-foot variance from the required 10-foot side yard setback for an existing dwelling; that the Applicant's purchased the property in November 2002; that a survey was done for settlement and showed the encroachments;

that the shed is on an existing concrete pad and surrounded by a fence; that the dwelling was built in 1978 and has been in violation since that date; and that there have been other variances granted in the area.

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

Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously that the variances be **granted**. Vote carried 5 – 0.

Case No. 8069 – Backbay Liquor Warehouse – intersection of Route 24 and Road 299, being Lot 2, within Backbay Shopping Center.

A variance for an additional wall sign.

Mrs. Heffelfinger presented the case. Andrew Bahlman was sworn in and testified requesting a variance for an additional wall sign; that when inquired about what permits were necessary they were told no permit was necessary for just a painted wall; that the mural measures 62'x 10.5'; and that the mural should last for approximately 20-years.

By a show of hands, 1 party appeared 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 case be **tabled until January 27, 2003**. Vote carried 5 – 0.

OLD BUSINESS

Case No. 8053 – James Georgo – south of Route One, west of Belle Road, being Lot 34, within Bayview Park Subdivision.

A variance from the south side yard and rear yard setback requirements.

The Board discussed the case.

Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously that the variance for the existing deck be **granted and the variance to extend the existing deck be denied**. Vote carried 5 – 0.

OTHER BUSINESS

Case No. 8032 – Michael Makowski – intersection of Nassau Road and New Road.

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

Mr. Mills requested that this case be added to the next meeting on January 27, 2003.

Mr. Berl stated that a correction be made to the schedule for the 2003 hearings, that the September 9, 2003 hearing is a Tuesday and the hearing should be scheduled for Monday, September 8, 2003.

Meeting Adjourned 8:16 p.m.