

Minutes of February 1, 1993

The regular meeting of the Sussex County Board of Adjustment was held on Monday evening, February 1, 1993 in the County Council Chambers, Room 115, Courthouse, Georgetown, Delaware.

The meeting was called to order at 6:58 P. M. with Chairman McCabe presiding. The Board members present were: Mr. McCabe, Mr. Wheatley, Mrs. Hudson, Mr. Mills, Mr. Callaway, Mr. Jones-Attorney, Mr. Lank-Director and Mr. Betts-Zoning Inspector III.

Motion was made by Mr. Mills, seconded by Mr. Wheatley and carried unanimously that the minutes of January 25, 1993 be approved as circulated.

Case No. 5000--Dwight D. O'Day - West side of O'Day Drive, 0.4 mile south of Route 18, Lot 1, within O'Day's Development.

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. Dwight O'Day was sworn in and testified, requesting to place a 1993, 14'x 80' manufactured home on property he is purchasing for his permanent residence on Lot 1, in O'Day's Development. Mr. O'Day testified that there are other manufactured homes in the area the nearest on adjacent property.

Arthur J. O'Day was sworn in and testified in behalf of the manufactured home, stating he lives in the adjacent manufactured home.

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. 5001--Kenneth Willing - East side of Route 569, 0.55 mile south of Route 404.

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. Kenneth Willing was sworn in and testified, requesting to place a 1978, 14'x 70' manufactured home on his property for his residence. Mr. Willing testified that there are five other manufactured homes in the area.

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.

Case No. 5002--Kenneth W. Hastings - East side of Route 493,  
 $\frac{1}{2}$  mile east of Route 514.

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. Kenneth Hastings was sworn in and testified, requesting to place a 1991, 14'x 70' manufactured home on his property for his residence. Mr. Hastings testified that there are six other manufactured homes in the area, three on five acre parcels.

Rhonda Brumbley was sworn in and testified in behalf of the applicants request, stating she has two parcels of land adjacent. She stated that the applicant plans to put a home on the property in the future.

Michael Bryan Toadvine was sworn in and testified in opposition, stating he proposes to build a home on his property across the road from Mr. Hastings and does not want a manufactured home in front of him.

Cornelia Cordrey was sworn in and testified in opposition, stating she lives in a manufactured home on five acres. She is concerned more than opposed, with what will be put on the property in the future.

Elston Henry was sworn in and testified in opposition, stating he has a house across the road. He fears the manufactured home will set a precedent for less than five acres. He fears remaining five acre parcels will be subdivided into smaller lots. He feels manufactured homes should be put on five acres as permitted.

Mrs. Brumbley stated that her mother previously owned the acreage that was later sold to Norris Niblett, but the one acre parcel for the applicant was already an existing one acre parcel before Mr. Niblett subdivided the land into five acre parcels. She stated there had been no restrictions placed on the property prohibiting manufactured homes.

Motion was made by Mr. Mills, seconded by Mr. Callaway 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 case be tabled.

Case No. 5003--Karen Shaud - East side of Route 273A, one mile south of Route One, Lot A, within Bay Vista.

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

The case was presented by Mr. Betts. Karen Shaud was sworn in and testified, requesting an 11' variance from the side property line requirement of 15' and a 4' variance from the rear property

line requirement to construct a deck and screen enclosure around her above ground swimming pool. There will be a roof added. The property being Lot A, Bay Vista, is a corner lot. There is a proposed road that is to go along beside the property. Ms. Shaud explained what is proposed and where the road will be located.

Eugene Weber was sworn in and testified in opposition. He feels the structure will be too close to the lagoon and the proposed road. Mr. Weber lives across the street from the applicants property.

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

Case No. 5004--William L. Wolter - East side of Route 602, 730 feet southeast of Route 611.

A special use exception to operate an archery range and a special use exception to place a manufactured home for security purposes.

The case was presented by Mr. Betts. William Richard Wolter was sworn in and testified, requesting to operate an archery range and to place a manufactured home for security purposes. Mr. Wolter's requested to have a 3-D archery range on his property. The range will be surrounded by woods. The archery range used for target practice will pose no dangerto adjacent property owners from the arrows, since there will be no homes in the location of the range. Mr. Wolter proposes to place at least a 500 square foot size manufactured home for security purposes. He will hire a security guard to live in the manufactured home. He has had trouble with people coming into his property.

There were no parties present in opposition.

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

Case No. 5005--Mark S. Rogers - North side of Collins Pond Road East, 400 feet west of Route 527, Lot 6, within Collins Pond Acres.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Mark S. Rogers was sworn in and testified, requesting an 8' variance from the side property line requirement of 15' for a proposed garage, to be located on Lot 6, within Collins Pond Acres. Mr. Rogers stated that due to the odd shape of his lot and having his septic and drain field in the rear of his property he cannot put the garage elsewhere on the property. There is an existing deck on the property that will be

removed to accommodate the garage.

There were no parties present in opposition.

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

Case No. 5006--Perry Lee Millman - East side of Route 601, 3,800 feet south of Route 16.

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. Perry Lee Millman was sworn in and testified, requesting to place a 1987, 14'x 70' manufactured home on his property for his permanent residence. He testified that there are three other manufactured homes in the area, the nearest across the road.

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.

#### OLD BUSINESS

Case No. 4993 (cont'd.)--North Shores, Inc.-East side of Route 300, Lots 187 - 186, within North Shores.

A variance from the lot width requirement.

Mr. Jones reviewed the case that was tabled to give Mr. Berl time to research the case. Mr. Jones stated that the Planning and Zoning Commission does not have to review the subdivision.

Mr. Lank explained the reasons the Planning and Zoning Commission does not have to review the subdivision.

After some discussion, motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the variance be granted.

Case No. 4999 (cont'd.)--Rodney Allen Baker - Southeast side of Route 32, 1,900 feet east of Route 585.

A special use exception to place a manufactured home to be used for business purposes and operate a shooting range.

Mr. Betts reviewed the case.

After some discussion, motion was made by Mr. Mills, seconded by Mr. Wheatley and carried unanimously that the special use exception for the manufactured home to be used for business purposes be granted for a period of five (5) years, finding the manufactured home will not have a negative impact on surrounding properties or property values.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the special use exception to operate a shooting range be denied, finding it would be a danger to surrounding properties and the noise and hours would have a negative impact on surrounding properties.

Case No. 4940 (cont'd.)--Key Box 5 Operatives, Inc. - West side of Route 357, across from Route 360, within Lynn Lee Village Mobile Home Park.

A variance from the side yard setback requirement on each lot.

Mr. Jones reviewed the application.

Following some discussion, it was the consensus of the Board that an accurate plot and placement survey should be done in order to give proper variances.

Motion was made by Mr. Mills and seconded by Mr. Wheatley that the variance be denied.

Mr. Wheatley withdrew his second to the motion and did not participate in the voting.

Motion was made by Mr. Mills and seconded by Mrs. Hudson that the variance requests be denied, with Mr. Wheatley not voting. Motion carried with four voting in favor of denial and one not voting.

#### OTHER BUSINESS

Case No. 4283 - Martha Hitchens

Request for an extension.

Mr. Betts stated that a letter had been received from the applicant requesting a one year extension to place her manufactured home because of economic hardship she has not been able to place the home on the property.

Motion was made by Mrs. Hudson, seconded by Mr. Callaway and carried unanimously a one (1) year extension be granted to Case No. 4283, but noted that this will be the last extension granted.

Meeting adjourned at 8:01 P.M.