

Minutes of February 3, 1992

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, February 3, 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, Mrs. Hudson, Mr. Carey, Mr. Wheatley, Mr. Jones-Attorney, Mr. Lank-Director and Mr. Betts-Zoning Inspector.

Motion was made by Mr. Carey, seconded by Mrs. Hudson and carried unanimously that the minutes of January 13, 1992 be approved as circulated.

Case No. 4626--Elizabeth Snead East side of Route 461, 378 feet north of Route 462.

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. Elizabeth Snead was sworn in and testified, requesting to place a 1992, 14'x 70' manufactured home on her property for her permanent residence. She testified that there are other manufactured homes in the area and a manufactured home park nearby.

There were no parties present in opposition.

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

Case No. 4627--Fisher Sales & Service, Inc. - West side of Route 14, at Route 209A, Lot 3, within Shawnee Acres.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Donald M. Fisher was sworn in and testified, representing Fisher Sales & Service, Inc. who requested a 1'7" variance from the front yard setback requirement of 30' for a dwelling constructed on Lot 3, within Shawnee Acres. Mr. Fisher stated that the encroachment was discovered when a placement survey was done.

Ron D. Voshell, Contractor, was sworn in and testified explaining how the encroachment happened. The survey stake used to lay the house out was moved when the surveyor did the placement survey, therefore, changing the setback on one corner of the house.

Seven letters from residents and four letters from the Board of Governors in Shawnee Acres were presented voicing no objections.

Mr. Betts read one of the letters into the record and stated that all of the letters were the same with different signatures.

There were no parties present in opposition.

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

Case No. 4628--David E. & Lee A. George - North side of Route 279B,
Lots 75 and 80, within Joy Beach.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. David E. & Lee A. George were sworn in and testified, requesting a 2' variance from the front yard setback of 25' for open/unenclosed steps on a house they built at Joy Beach. They testified that no ones view will be obstructed. Pictures were presented.

There were no parties present in opposition.

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

Case No. 4629--Carol Callaway - Southwest side of Route 481, $\frac{1}{2}$ mile
northwest of Route 488.

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

The case was presented by Mr. Betts. Carol Callaway was sworn in and testified, requesting to place a 1992, 14'x70' on property on basis of hardship to care for her mother who needs care. Medical papers referencing her mothers health were presented.

Mr. Betts read a letter from Dr. Richard Dushuttle in reference to Ms. Callaway's mothers health.

Ms. Callaway was told that if approved it must be reapplied for every two years and the unit must be removed if the hardship ceases.

John Massey was sworn in and testified, questioning where the unit is to be located. He had no objections.

There were no parties present in opposition.

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

Case No. 4630--William T. Burkholder - West side of Route 362, 500
feet north of Route 368, Lot C-13, within
Shady Dell Park.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. William T. & Carol A. Burkholder were sworn in and testified and was represented by John Cordrey, Attorney. Mr. Burkholder had a hearing for a variance from the side yard setback for an addition he built that encroaches into the setback, Case No. 4517, on September 23, 1991. He was denied the variance request. He requested a rehearing for the same variance. He requests a 5' variance from the 10' side yard setback requirement on Lot C-13, Shady Dell Park. A permit was obtained after construction started, but the setbacks were not followed. The completed addition will accommodate a quadraplegic brother who visits in the summer. Pictures were presented.

There were no parties present in opposition.

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

Case No. 4631--Linder and Company - Northwest side of Route 350,
at the end of Route 350.

A variance from the requirements for signs.

The case was presented by Mr. Betts. Glenn Fifer was sworn in and testified representing Linder and Company who requested a variance from the requirements for signs and a request for an unusual sign. The variance request is from the height requirement of 25'. The applicant requests to have the sign reference Bethany Bay Subdivision painted on a water tower which will be 110' in height. An 85' variance is requested. The unusual sign request is to have it on the water tower. The Sign Ordinance does not cover water towers. Mr. Fifer feels the advertisement on the tower will be easier to see. It will advertise Bethany Bay Subdivision. The sign will not be lighted. The water tower will have a required light on top to signal aircraft, but the sign itself will not be a lighted sign.

There were no parties present in opposition.

Motion was made by Mr. Carey, seconded by Mr. Wheatley and carried unanimously that the variance and unusual sign request be granted with the stipulations that the lettering be as stated and the sign not be lighted at anytime.

Case No. 4632--Thomas R. & Reba A. Taylor - Northeast side of Route
337, 550 feet east of Route 113.

A variance from the lot width and the lot size requirements.

The case was presented by Mr. Betts. Thomas R. Taylor was sworn in and testified, requesting to subdivide a parcel of land with three existing houses into three parcels each with a house on it. The houses have existed since 1963. The lots will need width and size variances. The required frontage in width for a new lot is 150'. One lot will have 63.88', one will have 69.00' and one

will have 67.00'. A variance is requested from the 10,000 square foot in size. Each lot has individual septic and water.

Ann Roach was sworn in and testified in behalf of the variance requests, stating she feels it is in his best interest to subdivide the property.

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. 4633--Withdrawn.

Case No. 4634--Richard N. Creswell - East side of Route One, Evergreen Road and Dune Road, Lot 5C, within Middlesex Beach

A variance from the side yard setback requirement for a corner lot.

The case was presented by Mr. Betts. Jack Hickman, Agent, was sworn in and testified representing Mr. Creswell, who requested a 4'3" variance from the 15' side yard setback on a corner lot, for an addition to his house. The existing house is now 10.9' from the side line. The new addition will conform to the existing house and come out no further. Material pertaining to this case was presented.

Mr. Betts stated that 9 letters were received in favor of the variance.

There were no parties present in opposition.

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

Case No. 4635--Dean Mitchell - Southwest side of Route 407, and the south side of Route 411A.

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. Dean Mitchell was sworn in and testified, requesting to place a 1984, 14'x 60' manufactured home on his property for his residence. He plans to one day build a home on the property. He testified that there are no other manufactured homes in the immediate area, only field and woodland.

There were no parties present in opposition.

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

Case No. 4636--David R. Evans, Creston T. Evans and Barbara Murphy -
West side of Route 70, $\frac{1}{4}$ mile north of
Route 64, Lot 3, within Nero Acres.

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. David R. Evans was sworn in and testified, requesting to place a 28'x 70' manufactured home on property for his permanent residence being Lot 3, Nero Acres.

Tony Nero was sworn in and testified in behalf of the request. He stated that there are five other manufactured homes in the area, most of them are double-wides.

There were no parties present in opposition.

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

Case No. 4637--Love Creek Mobile Home Sites & Sales, Inc. - South side of Route 468, 80 feet east of Route 13.

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

The case was presented by Mr. Betts. Milton Chaski, Jr. was sworn in and testified and was represented by John Sergovic, Attorney. Mr. Chaski, representing Love Creek Mobile Home Sites & Sales, Inc., requested to place a 1987 or 1988, 14'x 70' manufactured home on their property for security purposes. Mr. Chaski stated that they have a mini-storage complex and has had problems with break-ins and theft. An employee who presently lives in their manufactured home park will live in the manufactured home and provide security for the business. There are presently security lights on the property, but they are not enough.

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. 4638--Marvell M. Walker - South side of Route 20, $\frac{1}{2}$ mile west of Route 485.

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. Marvell Walker was sworn in and testified, requesting to place a 1973, 10'x 52' manufactured home on her property for her son to live in. She stated that there are other manufactured homes in the area.

It was explained to Mrs. Walker that if approved, her son's name would have to be added to the deed to the land, since he would be occupying the manufactured home.

Gwendolyn S. Hunter was sworn in and testified in behalf of the application. She was concerned about the name being added to the deed.

Kermick Braxton Trammell was sworn in and testified in opposition. He owns property adjoining Mrs. Walker. He feels the applicants property is too small since there is only 60' across the front. Mr. Trammell stated that some years ago he had a property with a small road frontage and was told he could not do anything with it. He opposes the manufactured home going on the property because of the small size.

Lillie Trammell was sworn in and testified in opposition stating the lot is too small and showed concern for ingress and egress to the property.

Motion was made by Mr. Wheatley, seconded by Mrs. Hudson and carried unanimously that the case be taken under advertisement.

At the conclusion of the public hearings, the Chairman referred back to this case. After some discussion, motion was made by Mr. Carey, seconded by Mrs. Hudson and carried unanimously that the special use exception be granted with the stipulations that the manufactured home be placed on the property lengthwise and Mrs. Walker's son's name be put on the deed to the land and recorded.

OLD BUSINESS

Case No. 4610 (cont'd.)--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.

Mr. Jones, Attorney, had submitted a letter to the Board members explaining what they have the power to grant and not grant. It was explained that the Board cannot grant a use variance and this is what Mr. Derrickson requested.

It was the consensus of the Board that since they do not have the power to act on this request, the application should not have been taken and processed.

Motion was made by Mr. Wheatley, seconded by Mrs. Hudson and carried unanimously that the special use exception be denied and the filing fee returned to the applicant.

OTHER BUSINESS

Letter from Jerry Edge. - (Case No. 4389)

Mr. Betts read a letter from Jerry Edge who had been given a period of time to remove tires from his property or remove his

manufactured home. He responded by letter stating his time is up and he needs to keep the manufactured home on the property for a place to live and that he has been working on removing the tires without much success.

It was the consensus of the Board that since Mr. Edge had been making an effort to remove the tires they would extend his time period.

Motion was made by Mr. Carey, seconded by Mrs. Hudson and carried unanimously to extend Mr. Edge's time period to September 1, 1992 to get rid of the tires, and that Mr. Edge provide the Planning and Zoning Office with statements from all contacts he makes concerning the tires. Also to notify Mr. Edge of this action by letter.

Meeting Adjourned at 8:21 P. M.