

Minutes of February 6, 1995

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, February 6, 1995 in the County Council Chambers, Room 115, 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. Mills, Mrs. Hudson, Mr. Wheatley, Mr. Jones-Attorney and Mr. Betts-Zoning Inspector III.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the minutes of January 23, 1995 be approved as circulated.

Case No. 5580--Thomas A. & Monica C. Wheatley - East side of Route 13A,  $\frac{1}{4}$  mile north of Route 502.

A variance from the rear yard setback requirement.

The case was presented by Mr. Betts. Thomas and Monica Wheatley were sworn in and testified, requesting a 2'4" variance for a swimming pool, a 3'8" variance for a pool house and a 4' variance for a deck. The applicants obtained a permit for a pool and deck after the pool was put on their property, saying they were unaware a permit was needed for a pool. They also put a pool house on the deck without a permit. It was their feeling when they did get the permit for the pool and deck that the pool house would be covered since it was going on the deck.

Mr. Betts stated that the permit had the proper setbacks on it.

Stella Marie Nichols was sworn in and testified in opposition, stating she owns the adjacent property and is in the process of selling the property behind the applicants. She feels the applicants should do what has to be done to meet the setbacks and make things right.

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

The applicant wished to add more testimony.

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

Mrs. Wheatley stated that she had been given a Certificate of Compliance for the swimming pool and deck, therefore, she felt the pool house was ok too. Her permit was issued July, 1993 and the Certificate of Compliance was issued August 2, 1994. Thirty days later the Inspector then informed them that the pool house is in violation, since there was no permit for the pool house and the pool and deck encroached into the setback.

Mr. Betts said, he could not explain what the Inspector did until he researched it and talked to him.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be tabled, to give Mr. Betts time to research the situation.

Case No. 5581--June Riggin - South side of Robinson Drive, 250 feet east of Route One, Lot 14, Blk. F, within Dodd's Addition.

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

The case was presented by Mr. Betts. June Riggin and Drew Naylor, builder, were sworn in, in behalf of this case. Ms. Riggin requested a 15' variance from the front yard setback requirement and a 9' variance from the side yard setback requirement to build an attached carport on Lot 14, Dodd's Addition. Ms. Riggin presented prepared material. Ms. Riggin stated that the property is owned by she, her sister and parents. It was previously used as a seasonal home, but her parents, who are elderly, now need to move into the home permanently and improvements are needed. They need to have an attached carport closer to the house entrance to provide access under protection for her parents. They also need the off-street parking. Pictures and copies of neighbors letters were presented.

Mr. Betts read the letters presented from June Butler, Dorothy and Vincent Dilucia, Cornelius Dolan, Robert M. Forrest, Paul E. Dircks, Harold Dukes, Jr. of Tunnell & Raysor and Beth B. Wilson, all voicing no objections.

Mr. Betts also read a letter of opposition from Dorothy and Armond Girard.

Ms. Riggin stated that the Girard property would not be affected at all by the variance.

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. 5582--Patrick W. & Barbara L. Joyce - South side of Route 302A, 4,020 feet northwest of Route 49, Avalon Drive, Lot 2, within Avalon Park.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Patrick and Barbara Joyce were sworn in and testified, requesting a 4" variance on each side of their property, on Lot 2, Avalon Park. They had the property surveyed for a 28'x 60' double-wide manufactured home. They proceeded to have a septic mound put on the property. When the double-wide manufactured home was ready it measured 60'8", there was a change in the side walls of the home. It cannot meet the setbacks and the location cannot be changed because of the septic mound.

There were no parties present in opposition.

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

Case No. 5583--Carter Douglas Jarmon - North side of Route 402,  
¼ mile west of Route 402B.

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

The case was presented by Mr. Betts. Carter Douglas Jarmon was sworn in and requested to place a 1987, 14'x 70' manufactured home on his father's property to be able to care for him. His father lives in a manufactured home on the property.

Mr. Betts read a statement from a Aid & Attendance/Housebound Questionnaire pertaining to the father's health.

The Chairman explained to Mr. Jarmon that the case if approved, would have to be reapplied for every two years and when the hardship ceases the manufactured home will have to be removed.

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 on medical hardship basis for a period of two (2) years.

Case No. 5584--Margaret Timmons - South side of Route 407, 100 feet west of Route 334.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Herbert Donahue, owner of the property, was sworn in and testified in behalf of this case. The applicant requested a 13' variance from the front property line for a 16'x 24' shed that has been constructed. The front property line setback is 40'. Mr. Donahue stated that his son built the shed. The measurement was from the road. The shed is used only for storage.

There were no parties present in opposition.

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

Case No. 5585--Charles J. & Bonnie L. Wilkerson - West side of Route 424, 2,700 feet south of Route 424A.

A special use exception to retain a manufactured home in an AR-1 District on less than five acres for a permanent residence.

The case was presented by Mr. Betts. Charles Wilkerson was sworn in and testified, requesting to retain a manufactured home on property less than five acres. The manufactured home has been on the property for 22 years. The property is being subdivided for this case and the same for Case No. 5586. It is a family situation.

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. 5586--Robert W. & Teresa Wilkerson - West side of Route 424,  
2,700 feet south of Route 424A.

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. Robert Wilkerson was sworn in and testified, requesting to place a manufactured home on property under five acres for his use. The location is the same as Case No. 5585. The property is being subdivided between family members.

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. 5587--Charles & Lee Barbara Angle - Northeast of Route 349,  
at the intersection of Route 351, Lot 7,  
within Whites Creek Manor.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Charles & Lee Barbara Angle were sworn in and testified, requesting a 1.5' variance from the 10' side yard to be 8.49' on Lot 7, Whites Creek Manor. The applicants built a new home with an outside shower that was added last. One corner of the outside shower encroached into the setback and a variance is needed. A picture was presented. They stated the Association in Whites Creek Manor has no problem with the variance.

Mr. Betts stated that no correspondence had been received pertaining to this case.

Robert A. Bunting was sworn in and testified in favor of the variance. He stated that the location of the outside shower was limited due to the septic drain field and oil tank.

There were no parties present in opposition.

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

Case No. 5588--J. Bryce Richard - Northeast side of Route 335 A,  
700 feet south of Road 335, Lot 14,  
within J.M. Cannon Subdivision.

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. J. Bryce Richard was sworn in and testified, requesting to place a 1992, 14'x 70' manufactured home on property he is purchasing being Lot 14, within J. M. Cannon Subdivision. The manufactured home will be his residence. He is purchasing two lots, Lot 14 & 15. He proposes to put the manufactured home on Lot 14 and leave Lot 15 to build his home on or place a Nanticoke Home on. He stated it will probably be five years before he can do this. Mr. Richard testified there are two other manufactured homes in the area plus farmland and stick-built homes. There are also vacant lots in the area.

Frances Rickards was sworn in and testified in favor of the application, stating she owns lots 10 and 11 and wants to do the same thing, if Mr. Richard's request is granted.

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.

#### OTHER BUSINESS

Case No. 5227--Donald West

A request for an extension.

Mr. Betts stated that he had received a letter from Mr. West requesting an extension on his application to place a manufactured home, approved by the Board on November 15, 1993. He explained his reasons for not having placed the manufactured home.

Motion was made by Mrs. Hudson, seconded by Mr. Wheatley and carried unanimously that Case No. 5227 be granted a one (1) year extension.

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

Meeting adjourned at 7:53 P. M.