

Minutes of February 7, 1994

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, February 7, 1994 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, Mrs. Hudson, Mr. Mills, Mr. Callaway, Mr. Berl-Attorney and Mr. Betts-Zoning Inspector III.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the minutes of January 24, 1994 be approved as circulated.

Case No. 5275--Moses M. & Monnie P. Debord - West side of Danny's Drive, 750 feet north of Nero Lane and  $\frac{1}{2}$  mile west of Route 70, Lot 6, within Nero's 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. Moses Debord was sworn in and testified, requesting to place a double-wide manufactured home on property he is purchasing for his permanent residence. The property located at Lot 6, within Nero's Acres. He testified that there are other manufactured homes in the area, the nearest being 200' away.

Tony Nero was sworn in and testified in behalf of the application, explaining that there are other manufactured homes in the area. He also testified that the remainder of the property is not being sold separately.

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.

Case No. 5276--Anna C. & Wallace H. Powell - East side of Route 331B, 250 feet north of Route 331A, Lots 1, 2, 3, 4 and 5, with Possum Point.

A special use exception to place a second manufactured home to be connected to the existing manufactured home to be used as one single family unit.

The case was presented by Mr. Betts. Wallace Powell was sworn in and testified, requesting to place a second manufactured home on his property to connect to his existing unit. Both units are 12'x 50' in size. He testified that one kitchen will be removed and turned into living space. He stated that he will place siding the same on both units and a A-Roof to cover both. Both bathrooms

will be utilized if possible and concrete will be used to enclose underneath the units. Mr. Powell hopes to complete the work in six months.

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, with the stipulation that the work be completed within one (1) year.

Case No. 5277--Albert R. Hamilton - South side of Route 74, 1,500 feet east of Route 434.

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

The case was presented by Mr. Betts. Albert Hamilton was sworn in and testified, requesting to place a 1981, 14'x 70' manufactured home on his property for his sister, Mrs. Martin, to live in on basis of hardship.

Mr. McCabe, Chairman, explained to Mr. Hamilton that the application must be reapplied for every two years if approved and if the hardship ceases, the manufactured home will have to be removed.

Mr. Betts read a letter from Mrs. Martin's doctor referencing her health and the need for care.

There were no parties present in opposition.

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

Case No. 5278--Richard & Deborah Hudson - West side of Route 54, 3,000 feet north of Route 418.

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. Richard Hudson was sworn in and testified, requesting to place a 1994, 28'x 40' manufactured home on his property for his residence. He testified that there are two other manufactured homes in the area  $\frac{1}{2}$  mile away. He also stated that his aunt owns the remaining property.

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. 5279--Demmy G. Casta (Realtor) - West side of Route 483, 200 feet west of Route 484.

A variance from the minimum lot frontage requirement and the minimum lot size requirement.

The case was presented by Mr. Betts. Demmy Casta was sworn in and testified, requesting a variance from the 150' frontage requirement and a variance from the lot size  $\frac{1}{2}$  acre requirement for a new parcel. The lot size frontage will be 103.91' and will be less than  $\frac{1}{2}$  acre in size. An FHA home will go on the property.

Michael Scott Stakiel was sworn in and testified in opposition. He questioned the variance and the setbacks from his property should he want to build an addition to his home.

Mr. Betts explained the setbacks to Mr. Stakiel and that the variance requested was not for setbacks.

Daniel Joseph Kidwell was sworn in and testified, questioning the type of home to go on the property. He stated he is opposed to a manufactured home and a rented home. He has no concern either way for a variacne, just what goes on the property.

Milton Disharoon was sworn in and testified in opposition to different variances being permitted. He feels there is an increase in variances.

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

Case No. 5280--Jack & Joan Noel - South side of Route 277,  $\frac{1}{4}$  mile east of Route 24.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Jack Noel was sworn in and testified and was represented by Tom Stumpf, Attorney. Mr. Stumpf stated that Mr. Noel was requesting a 1' variance from the 10' side yard setback requirement for an existing dwelling. The dwelling was built in 1975 and was bought by Mr. Noel in 1987. It was discovered that there was a side yard encroachment. Mr. Stumpf stated that there is no place to move the house on the property to meet the setbacks. He stated that this is the primary residence of the applicant and it is an odd shaped lot.

There were no parties present in opposition.

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

Case No. 5281--Patrick Rodemeyer - South side of Route 611, 450 feet east of Route 632, Lot 6, within Wil-Eck 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. Patrick Rodemeyer was sworn in and testified, requesting to place a 1994, 28'x 58' manufactured home on his property, being Lot 6, within Wil-Eck Acres. He testified that there are manufactured homes on both sides of his property.

Bill S. Farlow was sworn in and testified in favor of the application. He stated that Mr. Rodemeyer will meet the covenant requirements in the development.

There were no parties present in opposition.

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

Case No. 5282--R. A. Raley - North side of Route 9,  $\frac{1}{2}$  mile west of Route One.

A special use exception to place off premise signs.

The case was presented by Mr. Betts. Robert Raley and Margaret Raley (daughter) were sworn in and testified, requesting to place (9) 12'x 24' double-faced off premise signs on his property located in a C-1 District on Route 9. Mr. Raley stated that the signs are needed to advertise his daughter's winery. They had planned to put the signs on the property prior to the current sign regulations, but did not complete it. They need now to put the signs up. Mr. Raley testified that he is basically in the advertising business as well as farming. Mr. Raley presented material and pictures pertaining to billboard advertising. He explained the importance of advertising to the industry and the safety factor to advertising, to let people know where to go. He explained the cost of advertising by TV and newspapers verses billboards, and that billboards are cheaper. He feels billboards are an asset to driver fatigue, because people read them. Mr. Raley stated that the signs are needed to let people know where the winery is located and that the affect on Route 9, where the signs will go, will be almost nil, because they will be placed between trees. Margaret Raley stated she has lost business because people can't find the winery. She stated the signs will be 400' from the nearest dwelling.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mrs. Hudson 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. 5283--R. A. Raley - North side of Route 9,  $\frac{1}{2}$  mile west of Route One.

A variance from the requirements for signs.

The case was presented by Mr. Betts. Robert Raley and Margaret Raley (daughter) who were sworn in on Case No. 5282 also represented

this case. All material and information pertaining to signs presented in Case No. 5282 is incorporated into this case. Mr. Raley requested a variance of 258 sq. ft. from the 150' sq. ft. requirement for an on premise ground sign to be 408 sq. ft. located in a C-1 District. Mr. Raley stated that he feels the sign he has is more a fence, but that Planning and Zoning says it is a sign. He stated that the sign will be lighted. Pictures were shown and explained. He feels the sign is not offensive.

There were no parties present in opposition.

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

Case No. 5284--R. A. Raley - At the intersection of Route 9 and Route 269.

A special use exception to place off premise signs and a variance from the requirement for signs.

The case was presented by Mr. Betts. Robert Raley and Margaret Raley (Daughter) previously sworn in on Case No. 5282 also represented this case. Mr. Raley requested to place a 12'x 24' double-faced sign and a variance of 75' from the 300' requirement for signs from a dwelling. All material and information pertaining to signs presented in Case No. 5282 is incorporated into this case. Mr. Raley stated that the sign will be placed between greenhouses and the poles will not be visible, only the sign. He explained what is located in the area. The sign will advertise Mr. Raley's Holly Lake Campsites and the Vinyard. It will be a lighted sign. Pictures were shown and explained. He stated the location is highly visible.

Neal J. Boyle, who lives in the area, was sworn in and testified in opposition, representing himself, his wife and neighbor, Mrs. Irving, who is also in opposition. He explained what signs are in the area and presented pictures of the signs that exist. He feels the area is saturated with signs, they demean the area and adversely reflect the area. He stated he is aware that places of business need signs, but there are private residences in the area. He also feels where the sign is going would be in the wrong direction to locate the winery. He feels the sign will contribute nothing to the area and asked that the petition be declined.

Raymond Clatworthy was also sworn in and testified wanting to see where the sign will be placed. He stated that he has a rental property in the area and wants to be sure the view bill not be affected.

Mr. Raley stated he owns Holly Lake Campsites, the Boat Hole and the Winery and his signs will advertise for other things not only the winery.

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 Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be tabled.

Case No. 5285--R. A. Raley - West side of Route 24, at the intersection of Route 301.

A special use exception to place off premise signs and a variance from the requirements for signs.

The case was presented by Mr. Betts. Robert Raley and Margaret Raley (daughter) sworn in on Case No. 5282 also represented this case. Material and information pertaining to signs presented in Case No. 5282 is incorporated into this case. Mr. Raley requested to place a 12'x 24' double-faced off premise sign on property located on the west side of Route 24, at Route 301, and a variance of 50' from the 300' requirement for a sign from the nearest dwelling. This sign will set in front of Holly Lake Campsites. Mr. Raley stated that it is a dangerous intersection and a larger sign is needed to have people slow down before they get to the site, to avoid accidents. He feels the sign will not affect anyone and it will make a bad situation better.

There were no parties present in opposition.

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

Case No. 5286--Virgil & Deborah Morris - North side of Route 544,  $\frac{1}{2}$  mile east of Route 546.

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. Virgil & Deborah Morris were sworn in and testified, requesting to place a 1973, 12'x 65' manufactured home on their property. They testified that there are other manufactured homes in the area. Mr. Morris stated that he had talked with his neighbors and had gotten their approval for what he proposes.

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.

OLD BUSINESS

Case No. 5266 (cont'd.)--William & Helen Swartz - Northeast side of Route 54,  $\frac{1}{4}$  mile east of Route 381, Lot 26, Block E, within Swann Keys Subdivision.

A variance from the side yard setback requirement.

Mr. Betts reviewed the case.

It was stated that the unit can be placed on the property without a variance, but may have to alter his shed.

After some discussion, motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the variance be denied, finding that the property can be utilized for the size manufactured home proposed.

OTHER BUSINESS

Case No. 5272--Fred & Karen Rosen

Mr. Betts read a letter from the Rosen's requesting a rehearing on their case that was denied on January 24, 1994, due to no one being present to represent the case. They stated it was because of illness that no one was present.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously to rehear Case No. 5272 at the next available meeting and the fee be waived.

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

Meeting adjourned at 8:28 P. M.