

Minutes of February 7, 2000

The regular meeting of the Sussex County Board of Adjustment was held Monday evening February 7, 2000, in the 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. Wheatley, Mr. Mills, Mr. Hudson, Mr. Berl – Assistant County Attorney, Mr. Rickard – Chief Zoning Inspector, and Ms. Jackson – Recording Secretary.

Motion by Mr. McCabe, seconded by Mr. Wheatley, and carried unanimously to approve the Revised Agenda as circulated.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of January 24, 2000 as circulated.

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

Case No. 7069 – Marc R. Carpentier and Ruben G. Graciani – southeast of Extended Bay Road, 178 feet northeast of Bay Road, southwest side of Quillen Road, Lot 39, within Rehoboth Manor Subdivision.

A variance from the side yard setback requirement.

Mr. Rickard presented the case. Mary Schrider, Attorney, was present on behalf of the applicants requesting a 2.1 foot variance from the required 10 foot side yard setback for a greenhouse and deck and a 0.2 foot variance from the required 10 foot side yard setback for the home. Marc Carpentier was sworn in and stated that the home is approximately 20 years old; that the greenhouse has a cement foundation and is attached to the home; that they found out about the violation when the survey was done in June 1999; and that the home is located at a dead end of Quillen Road.

Neil Stevenson was sworn in and stated that he was the previous owner; that he built and owned the home for approximately 20 years; that he applied for a Board of Adjustment Hearing in 1978 and was approved and was not aware of the variance problem today; that the majority of the homes in the area are non-conforming.

Mr. Rickard read 2 letters from Marvin Miller, Dan Kyle and James E. Showen in favor of the application.

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

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

Case No. 7070 – Robert W. and Sarah I. Gore – east of Route One, southeast of Sea Del Drive, Lot 11, within Sea Del Estates.

A variance from the side yard setback requirement.

Mr. Rickard presented the case. Benjamin Smith was sworn in on behalf of the applicants requesting a 5.7 foot variance from the required 10 foot side yard setback for an open deck on the right side and a 1 foot variance from the required 10 foot side yard setback for the existing home on the left side; that they bought the property in the early 1980's; that he is the builder; that the applicants have a 10 foot wide beach access on their property; and that he has known the applicants for ten years.

Donald Stein was sworn in on behalf of Bethany Dunes Home Owner's Association and read a letter from Martin Bostetter, Jr. in opposition to the application; and that they are opposed to the variance for the south side of the property.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be left open until the next scheduled meeting. Vote carried 5 – 0.

Case No. 7071 – Joanne Cassidy and Deborah Estes – southeast of Route 24, 1.5 miles southwest of Road 284.

A special use exception to operate a bed and breakfast.

Mr. Rickard presented the case. Robert Rollins, Joanne Cassidy and Deborah Estes were sworn in and stated that the proposed bed and breakfast will contain approximately 6,000 to 7,000 square feet; and that it will have 6 rooms, 12 parking spaces and 3 employees.

Deborah Appleby, neighbor, was sworn in and stated that she is in favor of the application.

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

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously that the special use exception be granted. Vote carried 5 – 0.

Case No. 7072 – David A. Downes – north of Route 22, 2, 000 feet east of Road 298, Lot 14, within Lingo Estates.

A variance from the rear yard setback requirement.

Mr. Rickard presented the case. David A. Downes was sworn in and testified requesting an 8.9 foot variance from the required 10 foot side yard setback for an existing attached shed and an 0.8 foot variance from the required 10 foot side yard setback for an existing detached shed; and that the property was purchased in 1995.

Michael Lenz was sworn in and stated that he is on the Board of the Home Owner's Association and a neighbor, and is in favor of the application.

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

Motion by Mr. Wheatley, seconded by Mr. Mills, and carried unanimously that the variance be granted. Vote carried 5 – 0.

Case No. 7073 – Timothy and Deborah Coverdale – east of Road 216, 1, 800 feet north of Road 227.

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

Mr. Rickard presented the case. Timothy Coverdale was sworn in and testified requesting a 10 foot variance from the required 15 foot side yard setback and a 10 foot variance from the required 20 foot rear yard setback requirement for a detached garage; that the size of the proposed garage will be 28 x 32; that he would like to place the garage in the same place as the existing shed that will be removed; that the reasoning for placing the garage closer to the property lines is to keep from crowding his home; and that his neighbors are 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 variances be granted. Vote carried 5 – 0.

Case No. 7074 – Joyce M. Quillen - south of Road 207, 475 feet east of Road 213.

A variance from the side yard setback requirement.

Mr. Rickard presented the case. Joyce M. Quillen was sworn in and testified requesting a 4 foot variance from the required 15 foot side yard setback for an 8 x 10 laundry room; that because of her health problems she would like everything to be on the first floor; that David Melvin, Contractor, laid out the proposed room for her; and that her neighbors are in favor of the application.

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

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the variance be granted. Vote carried 5 - 0.

Case No. 7075 – Paul E. and Rose M. Schlosser – west of Dune Road, 120 feet north of Bayberry Road, Lot 5, within Middlesex Beach Subdivision.

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

Mr. Rickard presented the case. Andy Schlosser was sworn in on behalf of the applicants requesting a 5 foot variance from the required 30 foot front yard setback and a 3 foot variance from the required 10 foot side yard setback for a dwelling; that they will be removing the existing home and replace it with a new home in the same location; and that Fred Eisenbrandt, Jr., Chairman of Middlesex Beach Association Building Committee, approved the building plans.

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

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

Case No. 7076 – Carroll W. Wilhelm – south of Route 54, west side of Tyler Avenue, 1, 023.8 feet south of Lincoln Drive, Lot 30, within Cape Windsor Subdivision.

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

Mr. Rickard presented the case. Carroll W. Wilhelm was sworn in and testified requesting a 5 foot variance from the required 10 foot side yard setback and a 5 foot variance from the required 20 foot rear yard setback for a dwelling; that a 30 year old doublewide exists on the property and that she would like to tear it down and build a new home. Ms. Wilhelm submitted a letter from the Home Owner's Association in favor of the application.

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

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

Case No. 7077 – Richard and Robin Weiner – east of Road 39, east side of Bay Shore Drive, Lot 11, within Bay Shore Drive Estates.

A variance from the side yard setback requirement.

Mr. Rickard presented the case. Richard and Robin Weiner were sworn in and testified requesting a 3 foot variance from the required 10 foot side yard setback from the north side for a screen porch; and that 7 years ago they built the home.

Mr. Rickard read a letter from Bernard Conaway, neighbor, in opposition to the application.

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

Case No. 7078 – Country Living Produce – west of Route 113, corner intersection south of Route 20.

A special use exception for an off premise sign and a variance from the front yard setback requirement.

Mr. Rickard presented the case and read a letter to the Board addressed to Planning and Zoning from George C. White, Vice President of Corporate Services, giving Country Living Produce permission to place the sign on Townsend property at the intersection of Routes 113 & 20. Joseph Smith was sworn in on behalf of Country Living Produce requesting a special use exception for an off premise sign and a 20 foot variance from the minimum 25 foot front yard setback for an off premise sign; that it would be a directional type sign; and that the size of the sign would be a 4' x 8'.

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 special use exception and variance be granted with the stipulation that the special use exception is granted to Country Living Produce only, and is not to be utilized for another advertisement.

OTHER BUSINESS

1. Discussion of eligibility requirements for reapplication.

It was brought to the attention of the Board members and Mr. Berl that there is some question in regards to the eligibility of applicants to reapply after being denied a former application. After discussion Mr. Berl stated he would compose a letter in reference to this matter.

Meeting Adjourned 8:45 P.M.