

Minutes of February 10, 1997

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, February 10, 1997 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order with Chairman McCabe presiding. The Board members present were: Mr. McCabe, Mr. Mills, Mrs. Hudson, Mr. Callaway, Mr. Jones-Attorney, Mr. Betts-Zoning Inspector III and Mrs. Talley-Planning & Zoning Secretary.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the minutes of January 27, 1997 be approved as circulated.

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

Case No. 6236--Baywood/Baywood Greens - Routes 22, 24, and 298.

A variance from the requirements for signs.

The case was presented by Mr. Betts. Robert W. Tunnell, Jr. was sworn in and testified representing Baywood/Baywood Greens, requesting a variance from the requirement for signs. Mr. Tunnell stated that he wants to increase the number of signs allowed to identify (3) entrances for a subdivision. Baywood being a residential community and Baywood Greens a golf course. There will be a double-sided entrance sign and at least two double signs for other entrances. He showed a drawing of what the signs, with logo, will look like. He stated that every sign will have a planter. He explained where the entrance signs will be placed. He wants a good image and eye appeal for the public. There will be twelve signs altogether.

Leon W. Hall, adjacent property owner, was sworn in and testified in opposition, questioning the need for so many signs and their locations.

Mr. Betts showed Mr. Hall where the signs will be located.

Frank Hall, who lives on Route 298A, was sworn in and testified that the road is a winding road and does not need more signs to obstruct visibility. He stated that the road is unsafe and there have been several accidents and deaths on the highway.

Mr. Jones, Attorney, questioned Mr. Tunell about the signs obstructing visibility.

Mr. Tunnell stated that the signs will not obstruct

visability and that they will be on an angle.

Mr. Betts stated that the signs will have to be a minimum of 25' back from the front property line and 20' from the intersection.

Mr. McCabe questioned where the main entrance will be.

Mr. Tunnell stated that he does not know, either Long Neck Road or Route 24.

Motion was made by Mr. Callaway, 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, to give the Board members time to look at the area again. Vote 4-0.

Case No. 6237--Wes Townsend -- Northwest side of Route 26, on the northeast corner of Route 327, Dogwood Estates.

A special use exception to operate a Day Care Center.

The case was presented by Mr. Betts. Wes Townsend and Pamela Lee Townsend were sworn in and testified, requesting to operate a Day Care Center from a 50'x 50' commercial building. Mrs. Townsend stated that she will have 60 children, ages infant to school age. The hours will be 7:00 A.M. to 6:00 P.M. during the week and 6:00 A.M. to 6:00 P.M. on Saturdays. There will be eight full time employees and three part-time employees, not including herself. She stated that they have no future plans to expand. She stated that the building is located on Route 26 and the entrance will be from Route 327, and there will be plenty of parking.

Mr. Jones, Attorney, asked if they would have to meet stringent State requirements.

Ms. Townsend responded that they would, plus the health department and state fire marshall's office.

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. Vote 4-0.

Case No. 6238--George Marshall - Northwest side of Route 619, at
Route 619A, Lot 1, within The Hollys
Subdivision.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. William Jenson was sworn in and testified representing George Marshall, who requested a 9'4" variance from the 30' front yard setback to be 20'8" for a dwelling on Lot 1, within The Hollys Subdivision. Mr. Jenson stated that the dwelling is already on the property. He stated that when the house was laid out by the mason an error was made. He stated that going out in front the right-of-way widens. He stated that surveys confirmed that the house is in directly in line with other houses. Adjacent property is open space.

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. Vote 4-0.

Case No. 6239--George M. Baldwin - South side of Route 368, 0.38
mile west of Route 366.

A special use exception to place a second
manufactured home to be used as an office for
dog kennels and raising emus.

The case was presented by Mr. Betts. George M. Baldwin was sworn in and testified, requesting to place a second manufactured home on his property to be used for an office for his dog kennels and raising emus. He stated that the manufactured home office will be used for his computer system and paper work. He stated that he cannot have the system in the building where he grooms and boards the animals. The second manufactured home will be 12'x 65' in size. The existing manufactured home is occupied by people who will live there and run the business. Mr. Baldwin stated that he does not live on the property. He stated that the second manufactured home will be 700 to 800 feet from the property lines, and 1100 to 1200 feet from another dwelling.

Mrs. Hudson questioned if he will leave the manufactured home office on the property or build an office.

Mr. Baldwin stated that he plans to leave the manufactured home as an office permanently.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, 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 special use exception be granted for a period of five (5) years. Vote 4-0.

Case No. 6240--Claire B. Hall (Faircloth) - West side of Route 13A,
1/2 mile south of Route 488, Lots 12 and
13.

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. Claire B. Hall (Faircloth) was sworn in and testified, requesting to place a 24' x 60' double-wide manufactured home on her property for herself and her daughter to live in. She testified that there are other manufactured homes in the area, the nearest on both sides of her property and a manufactured home park, Sussex Manor, behind her property. She stated that the manufactured home is not a new one, but she will place it on a permanent foundation and it has siding. She stated that when completed it will look like a regular house.

Irene M. Wilson was sworn in and testified in opposition, stating that if the applicant is permitted to place a manufactured home on the property, she (Ms. Wilson) will have to do away with her well. She stated that she has two manufactured homes on her property now and the well is working fine, she does not want it moved. She stated that the applicant will have to move the well.

Mr. Jones, Attorney, explained to Ms. Wilson that the Board can only deal with the land use, if it would be ok to place a manufactured home on it. He told Ms. Wilson that she would have to deal with DNREC pertaining to the well.

Ms. Wilson stated that she does not object to the applicant placing a manufactured home on the property, she does not want to move her well.

Ms. Hall stated that she is in the process now with DNREC. She stated that she and the mortgage holder to the property, Bill Collins, agree to a new well.

Ms. Wilson stated that the applicant does not have the property in her name, that she is paying Mr. Collins for it and

the property is in his name.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the special use exception be granted for a double-wide manufactured home on a permanent foundation, finding the use will not adversely affect the area. Vote 4-0.

Case No. 6241--W. B. Hamilton - East side of Route One, at the intersection of Route 51, Unit 12, within Beach Pebble Square.

A variance from the rear yard setback requirement.

The case was presented by Mr. Betts. William B. Hamilton was sworn in and testified, requesting a variance of 4'6" from the rear yard property line for a 8'x 8' shed already on the property at Unit 12, within Beach Pebble Square. He stated that the shed should be 5' from the rear property line and is only 6". Mr. Hamilton stated that Beach Pebble Square Condo Association approved the placement of the shed. He received permission from the Homeowners Association to put the shed in the rear yard. He stated that it is a low profile area and not visible from anywhere. He stated that there have been no complaints and the location of the shed will do no harm to anybody. He stated that he has a permit and showed the clerk where the shed was to go. The permit does not state setbacks, but refers to the site plan that was approved.

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. Vote 4-0.

Case No. 6242--Robert A. McCamley - Northwest side of Route 292, 1,100 feet northeast of Route 47.

A special use exception to place a manufactured home to be used for storage.

The case was presented by Mr. Betts. Robert A. McCamley was sworn in and testified, requesting to retain a 12'x 65' manufactured home on his property to be used for storage. He stated that the manufactured home will have electric, but there will be no water or septic. He lives in the manufactured home now, but plans to get a new one. He will move the manufactured home, that is to be used for storage, 80' from where it sets now, to the rear of the property. He stated that the unit will not be visible to anyone.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, 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 special use exception be granted, with the stipulation that the manufactured home be used for storage only and there be no water or sewer hook-up. Vote 4-0.

Case No. 6243--Wallace E. & Betty C. Hudson - East side of Route 278, one mile south of Route 277, Lot 28, Phase I, within The Cove.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Wallace E. Hudson, Jr. was sworn in and testified, requesting a 8.05' variance from the 30' front yard setback requirement on Lot 28, within The Cove. Mr. Hudson stated he is constructing a dwelling on his property and the foundation has been built. Part of the foundation is within the front yard setback. He stated that the property is on a cul-de-sac and the dwelling curves with the cul-de-sac. The cause of the mistake was on the recorded plot plan and information supplied by the County according to Mr. Hudson. Mr. Hudson stated that the Homeowner's Association supports the variance. Pictures were presented.

Mr. Betts read a letter from the Homeowner's Association, George G. Lyon, President of the Board of Directors, voicing no objections.

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. Vote 4-0.

Case No. 6244--Douglas L. McGee - North side of Route 336, 1/4 mile west of Route 335A, Lot 3, within Jay 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. Douglas L. McGee and Patricia Ann McGee were sworn in and testified requesting to place a new 28'x 64' double-wide manufactured home on a solid foundation, for their residence on Lot 3, within Jay M. Cannon Subdivision.

They stated that there are other manufactured homes around, but none in the immediate area. This would be the first manufactured home in this subdivision.

Mark Patterson was sworn in and testified in opposition to a manufactured home going on the property. He stated that it is a new development and not zoned for manufactured homes. He feels a manufactured home will depreciate other lots and devalue his property. He testified that the manufactured home would be 1000' from his property. He stated that there are ranch style stick-built homes in the area.

Gregg Phillips was sworn in and testified in opposition, stating that he is adjacent to Mark Patterson's property and in the process of building a \$90,000 home. He feels the manufactured home will devalue his home. He wants stick-built homes in the area and not manufactured homes.

Frank L. Adkins who lives in the area next to the Patterson property, was sworn in and testified in opposition. He does not feel that manufactured homes should go in the area.

Mr. McGee stated that his \$52,000 manufactured home will look like a modular home when completed and will be a valuable home also. Mr. McGee stated that he chose the lot furthest from the people in opposition.

Motion was made by Mr. Callaway, 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 Mrs. Hudson and carried unanimously that the special use exception be denied, finding the use will set a precedent and will substantially adversely affect the area. Vote 4-0.

Case No. 6245--Pauline I. Richard - South side of Route One, at
Route 271, Lot F-9, within Sea Air.

A variance from the setback requirement between
units in a park.

The case was presented by Mr. Betts. Pauline I. Richard was sworn in and testified, requesting a 8' variance from the 20' setback requirement between units in a manufactured home park, for a shed on Lot F-9, within Sea Air. Ms. Richard stated that the shed is already on the property and a Certificate of Compliance was issued, but she later got a phone call telling her the shed was not

approved.

Mr. Betts stated that the building permit was issued correctly.

Ms. Richard stated that Sea Air is aware of the shed location and there is no objections from them or from the neighbors.

Mr. McCabe stated that other similar variances in Sea Air have been approved by the Board.

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. Vote 4-0.

OLD BUSINESS

Case No. 6231 (cont'd.)--Bridgeville Rifle & Pistol Club, Ltd. -
North side of Route 545, one mile east of
of U. S. Route 13.

A special use exception to expand a nonconforming use.

The case was reviewed by Mr. Betts.

Mr. Mills stated that he does not feel the use will adversely affect other properties, since there is already shooting done on the property now, and that an indoor range would not be any louder.

After some discussion, motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously that the special use exception be granted with the stipulation that the hours be limited from 10:00 A.M. to 10:00 P.M. seven (7) days per week, for members only or member sponsored competitions. The Board found that the use will not further adversely affect the area. Vote 4-0.

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

Meeting adjourned 8:11 P. M.