

MINUTES OF FEBRUARY 12, 2001

The regular meeting of the Sussex County Board of Adjustment was held Monday evening February 12, 2001, at 7:00 P.M., in the County 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. Mills, Mr. Hudson, with Mr. Berl – Assistant County Attorney, Mr. Rickard – Chief Zoning Inspector, and Ms. Jackson – Recording Secretary.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously to approved the Revised Agenda as circulated. Vote carried 4 – 0.

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously to approve the Minutes of February 5, 2001 as circulated. Vote carried 4 – 0.

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

Case No. 7367 – Anchorage Motel, Inc. – north of Route One, 100 feet northwest of Route 24.

A variance from the front yard setback requirement.

Mr. Rickard presented the case. Coy Johnston and Freddie Badda, Architect, were sworn in and testified requesting a 6-foot variance from the required 60-foot front yard setback for a new office addition; that they would like to improve the looks of the building; that the current manager's home has been damaged by termites; that the new addition will serve as a waiting area for customers and a home for the manager; that the existing office is currently placed in the rear of the property; that they propose to build the new office addition to the front of the motel; that the motel was built 50 years ago; that they need to improve the motel so that they can compete with the Hampton Inn across the street; that they will be re-facing the motel with vinyl siding; that they will be installing a new roof, dormers, and concrete walkways; that they plan to heavily landscape the area; and that they submitted a site plan to the Board.

Melissa Jones was sworn in and testified that she is in favor of the application; that Coy Johnston is her brother; that she is a partner in the business; that their parents are deceased; that the motel is a family business and that she hopes that it can continue to be operated as a family business.

John Zacharias, contractor, was sworn in and testified that he is in favor of the application; that he is Coy Johnstons' uncle; that he will be doing all the work to the motel; and that the motel needs to be brought up to date.

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

Mr. Rickard read a letter from Bill and Joan Deaver in opposition to the application.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the variance be **granted**. Vote carried 4 – 0.

Case No. 7368 – Willie L. Coffey - west of Route One, south side of Natures Way, Lot 15-A, within Zacharias Cove Subdivision.

A variance from the rear yard setback requirement.

Mr. Rickard presented the case. Willie L. Coffey was sworn in and testified requesting a 2.6-foot variance from the required 5-foot rear yard setback requirement for steps; that the steps cannot be moved; that he obtained the permit; that Jack Hogan was the builder; that Greg Hastings was the Architect; that Ian Murphy was the land tech; and that he submitted pictures to the Board.

Mr. Rickard stated that he has concerns with the porch in the front of the property not meeting the correct setbacks.

Willie Coffey stated that there may be an average for the front of the property.

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** with a request that letters be sent to the three (3) parties involved, and asked Mr. Rickard to check the porch for any setback violations. Vote carried 4 – 0.

Case No. 7369 – Royal Builders – south of Route One, west of South Street, Lots 3 and 4, within Maston Heights Subdivision.

A variance from the side yard setback requirement and a variance from the square footage per unit requirement.

Mr. Rickard presented the case. Arvid Sikvland and Yon Silvland were sworn in and testified requesting a 5-foot variance from the required 10-foot side yard setback requirement and a variance of 302 square feet per unit to allow 3 units on 9,985 square feet; that they have been builders for 3 years; that the property on the south side has a small home on it; and that the lot on the other side is vacant.

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

Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously that the variances be **granted**. Vote carried 4 – 0.

Case No. 7370 – George and Martha Daebeler – north of Road 279-B, north of Mallard Drive, Lots 71 76, ½ of 66, within Joy Beach Subdivision.

A variance from the rear yard setback requirement.

Mr. Rickard presented the case. George Daebeler, Michael Flood, and John Pitako were sworn in and testified requesting a 10-foot variance from the required 20-foot rear yard setback requirement for a proposed deck extension; that they are in a flood zone; that they would like to carry the proposed deck around to match the existing deck; that he would like to continue using the deck as they have been; that they measured the existing deck to be 9-foot from the property line; that the deck will meet the side yard setback requirement; that the home was built in 1984 or 1985; that New Dimensions built the home and obtained the permit; that they submitted a survey to the Board; and that the neighbors are in favor of the application.

Mr. Rickard read a letter from Harry and Joan Collins in favor of the application.

Mr. Rickard stated that he will need a current location survey to determine what exact rear yard setback is needed.

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 variance be **left open until March 12, 2001** to be able to determine what variance is needed. Vote carried 4 – 0.

Case No. 7371 – Mr. and Mrs. John Livingston – east of Route One, east side of Dune Road, Lot 13, Block A, within Middlesex Beach Subdivision.

A variance from the front yard setback requirement.

Mr. Rickard presented the case. Lawrence Biasotto, representing Mr. and Mrs. Livingston, was sworn in and testified requesting a 10.06-foot variance from the required 30-foot front yard setback requirement; that Mr. and Mrs. Livingston owns the property across the street with a home on it; that they would like to move the home to this lot; that they have owned the home since 1969; that the home will be set on pilings; that parking will be underneath the home; that the variance needed is because of a DNREC building

restriction line; that the home has an existing deck; that they would have to cantilever the deck; that a home four (4) doors down sets approximately 10-foot from the road; and that he submitted a site plan to the Board.

Mr. Rickard read a letter from Joseph E. Woolman, Jr. in opposition to the application.

Mr. Rickard read a letter from William and Marian Forma 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 variance be **granted**. Vote carried 4 – 0.

Case No. 7372 – Virginia McEwen – east of Route One, west of Lantern Lane, Lot 17, within Colonial East Mobile Home Park.

A variance from the separation requirement between units in a mobile home park.

Mr. Rickard presented the case. Aaron Smith, representing Virginia McEwen, was sworn in and testified requesting a 2-foot variance from the required 20-foot separation requirement between units in a mobile home park; that he would like to screen in an existing 10x20 concrete pad; and that he has been a builder for 30 years.

Mr. Rickard read a letter from Steve Class 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 variance be **granted**. Vote carried 4 – 0.

Case No. 7372 – Charles and Teresa Burns – east of Route One, east of Todd Drive, Lot 10, within Bayview Park Subdivision.

A variance from the front yard setback requirement.

This case was withdrawn.

OLD BUSINESS

Case No. 7332 – James Thompson - north of Route 54, east of Laws Point Road, Lot 54, within Swann Keys Subdivision.

A variance from the north side yard setback requirement.

The Board discussed the case. Mr. Berl advised the Board that Superior Court had made a decision on Michael Schuchman's Case No. 7337 and that the Court reversed the Boards original approval due to insufficient reasons for granting the approval.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the application be **denied** since the applicant could not meet the requirements for granting of a variance as referenced in Article XXVII, Section 115-211 of the Code of Sussex County. Vote 4 – 0.

Case No. 7334 – Victor Michalski – north of Route 54, south of Swann Drive, Lot 12, within Swann Keys Subdivision.

A variance from the front yard setback requirement.

The Board discussed the case. Mr. Berl advised the Board that Superior Court had made a decision on Michael Schuchman's Case No. 7337 and that the Court reversed the Boards original approval due to insufficient reasons for granting the approval.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the application be **denied** since the applicant could not meet the requirements for granting of a variance as referenced in Article XXVII, Section 115-211 of the Code of Sussex County. Vote carried 4 – 0.

Case No. 7337 – Michael Schuchman – north of Route 54, west side of Swann Drive, Lot 42, within Swann Keys Subdivision.

A variance from the north side yard setback requirement.

The Board discussed the case. Mr. Berl advised the Board that Superior Court had made a decision on Michael Schuchman's Case No. 7337 and that the Court reversed the Boards original approval due to insufficient reasons for granting the approval.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the application be **denied** since the applicant could not meet the requirements for granting of a variance as referenced in Article XVII, Subsection 115-211 of the Code of Sussex County. Vote carried 4 – 0.

OTHER BUSINESS

Case No. 7061 – Jane Errett Vincenti and Martin Kappel – northeast of Road 364-B, 405 feet southeast of Jan-Mar Lane in Pleasant Meadows.

A special use exception to operate a bed and breakfast.
Request for a time extension.

Mr. Rickard read a letter from Martin Kappel requesting a time extension for 6 months or longer.

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously that the request for time extension be **granted** for 1 year. Vote carried 4 – 0.

Meeting Adjourned 8:20 P.M.