

Minutes of February 22, 1993

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, February 22, 1993 in the County Council Chambers, Room 115, Courthouse, Georgetown, Delaware.

The meeting was called to order at 6:58 P. M. with Chairman McCabe presiding. The Board members present were: Mr. McCabe, Mrs. Hudson, Mr. Mills, Mr. Callaway, Mr. Jones-Attorney and Mr. Betts-Zoning Inspector III.

Motion was made by Mrs. Hudson, seconded by Mr. Callaway and carried unanimously that the minutes of February 1, 1993 be approved as circulated.

Case No. 5007--Irwin & Leah H. Pack - South side of Route 358,
1.4 miles west of Route 357, Lot 5,
within Holly Ridge Terrace.

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

The case was presented by Mr. Betts. Irwin and Leah Pack were sworn in and testified, requesting a 5' variance from the rear yard setback requirement of 10' and a 9' variance from the side yard setback requirement of 10' for a proposed garage. They testified that there is no other location on the property to put the garage and meet the setbacks. There is a shed on the property that will be moved to another location. The property being Lot 5, within Holly Ridge Terrace.

There were no parties present in opposition.

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

Case No. 5008--Jerry W. Watts - North side of Route 270A, $\frac{1}{2}$ mile
northeast of Route One, Lot 64, within
Fieldwood.

A variance from the rear yard setback requirement.

The case was presented by Mr. Betts. Jerry Watts was sworn in and testified, requesting a .4' variance from the rear yard setback requirement of 10' for an existing garage. Mr. Watts purchased the property, Lot 64 in Fieldwood Dev., with the garage on it. The property at the time of purchase was not surveyed and Mr. Watts was unaware of the encroachment.

John D. Pittam and Freda June Pittam were sworn in and testified, questioning why the encroachment was not picked up by survey and why a survey was not required at the time of purchase. They also questioned the permit issued. They fear that if one variance is granted others will follow.

Mr. Betts stated that the permit was issued prior to 1984.

Mr. & Mrs. Pittam stated they would go along with whatever decision the Board made.

Mr. Watts presented six letters from adjoining neighbors voicing no objections.

Mr. Betts read one of the six letters, which were all the same, into the record.

There were no parties present in opposition.

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

Case No. 5009--Paul L. & Sheila M. Goldstein - Northeast side of Route One, 650 feet northwest of Route 272, Unit 6, Leeward Crest Condominium.

A variance from the side yard setback requirement.

This case was postponed.

Case No. 5010--G. Edward, Jr. & Jane E. Wyatt - Northeast side of Route One, 650 feet northwest of Route 272, Unit 5, Leeward Crest Condominium.

A variance from the side yard setback requirement.

This case was postponed.

Case No. 5011--A. John & Mary E. Rottiers - Northeast side of Route One, 650 feet northwest of Route 272, Unit 7, Leeward Crest Condominium.

A variance from the side yard setback requirement.

This case was postponed.

Case No. 5012--Carlton J., II & Betty M. Spicer - West side of Ross Street, 226 feet south of Route 13A, $\frac{1}{4}$ mile north of Route 639.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Carlton, II & Betty Spicer were sworn in and testified, requesting a 15' variance from the front yard setback requirement of 30' to build an addition to an existing dwelling. They testified the dwelling has been on the property and the addition will not be as close to the front property line as the existing dwelling. They are located on a dead-end street.

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. 5013--Jacob H. Richards - Southeast side of Route 264,
 $\frac{1}{2}$ mile northeast of Route One.

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

The case was presented by Mr. Betts. Theodore Richards was sworn in and testified in behalf of this application, requesting to continue to keep a manufactured home on his property on medical hardship basis. Mr. Richards testified that there have been no changes in the hardship situation. A letter from a doctor had been received. This will be the third renewal.

There were no parties present in opposition.

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

Case No. 5014--David R. Hamm "Parts Plus" - Northwest side of Route 26, approximately 200 feet northeast of the intersection of Route 54 and Route 20.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. David Hamm, owner, Charles Mulligan, store manager and Roland Derrickson, Agent were sworn in and testified in behalf of this application. The applicant requested a 20' variance from the 20' side yard setback requirement for display purposes. The applicant has a business and needs the variance to display pick-up truck caps. There will be no building constructed and there is a 6' fence down the property line. Mr. Hamm has 25 on display now that are piled 12' high. Mr. Mulligan stated that there is no other location on the property to place them, because of a fire lane. Mr. Derrickson explained the parking and that it will be amply taken care of. Mr. Hamm explained that they could be stacked 3 high to lower the height for the neighbors view.

Ralph J. Powell was sworn in and testified in opposition presenting pictures of the site. He testified that his father lives in the dwelling next door and that there have been problems. He stated that tires have fallen through the fence from the applicants business onto his father's property.

Ralph E. Powell was sworn in and testified in opposition stating that the applicants fence is out too far and with the stacking of caps, he cannot see when he leaves his property. He fears his children won't be able to see when going in and out. He testified he has lived on the property approximately 28 years. He also stated that he would go along with the request if the display is moved back on the property.

Mr. Mulligan stated that the fence will be fixed and the tires removed.

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. 5015--Joan Rockstroh - South side of Route 54, 36 feet east of Lincoln Ave., Lot 64, within Cape Windsor MHP.

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

The case was presented by Mr. Betts. Joan Rockstroh was sworn in and testified, requesting a 9' variance from the 20' setback requirement between units in a manufactured home park, on Lot 64, within Cape Windsor. The applicant needs the variance for the replacement of a single-wide manufactured home with a double-wide manufactured home. The manufactured home is now 11' from a neighboring shed and 20' is required. She stated that she thought the 20' setback requirement was from the unit only. She testified that she had received nothing in writing from Cape Windsor.

Mr. Betts stated that the encroachment was discovered by the Inspector when an inspection was done on the property. Mr. Betts stated that the permit was issued correctly.

There were no parties present in opposition.

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

Case No. 5016--Pep Up Incorporated - East side of Route One, on the south side of the intersection of Route 58, Lighthouse Road, Lots 20, 19, and part of 16, within L. P. Faucett, Inc. Subdivision.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. William C. Pepper was sworn in and testified in behalf of the application. The applicant requested a 35'6" variance from the 40' front yard setback requirement to expand a canopy for gas pumps. Mr. Pepper stated he will add an extension to the existing canopy. The canopy will be 26'x 48' in size and have a 15' clearance, with 17' to the top. He testified that the canopy will be no closer than what exists and it will not change traffic visibility.

There were no parties present in opposition.

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

Case No. 5017--Rex & Amanda Dickerson - North side of Route 18,
3/4 mile east of Route 5.

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. Rex Dickerson was sworn in and testified and was represented by Jim Yori, Attorney. Mr. Dickerson requested to place a manufactured home in an AR-1 District for his residence. The manufactured home has been placed on the property with all permits issued. Mr. Yori referenced the Zoning Code. He stated that when the applicant obtained his permit it was issued on the wrong parcel. He purchased land from his father. The 28'x 48' manufactured home has been on the property approximately two months. It was stated that there are other manufactured homes in the area with a GR General Residential District, Hunters Mill Estates, adjacent to the property. It was also stated that the manufactured home will not have a negative impact on the surrounding area.

Mr. Betts stated that the permit was issued on the wrong lot.

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. 5018--Albin J. Johnson, Jr. - Northeast side of Route 510,
1,700 feet southwest of Route 24.

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. Albin Johnson, Jr. was sworn in and testified, requesting to place a 12'x 70' manufactured home with a 8'x 14' slide-out, on land he is purchasing for his residence. The manufactured home is currently on the property.

Albin Johnson, Father, was sworn in and testified in behalf of the application, stating he is selling property to his son.

It was stated that there are other manufactured homes in the area, the nearest on adjacent property.

There were no parties present in opposition.

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

OLD BUSINESS

Case No. 5002 (cont'd.)--Kenneth W. Hastings - East side of Route
493, 1/2 mile east of Route 514.

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 reviewed by Mr. Betts.

After some discussion, motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the special use exception be denied, finding the manufactured home would adversely affect surrounding properties.

Case No. 5003 (cont'd.)--Karen Shaud - East side of Route 273A,
one mile south of Route One, Lot A,
within Bay Vista.

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

The case was reviewed by Mr. Betts.

After some discussion, motion was made by Mrs. Hudson, seconded by Mr. Callaway and carried unanimously that the variance be granted, finding it to be for safety for anyone who might accidentally get in the swimming pool.

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

Meeting adjourned at 7:48 P. M.