

MINUTES OF FEBRUARY 24, 1997

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, February 24, 1997, in the County Council Administration Office Building, Georgetown, Delaware.

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

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the minutes of February 10, 1997, be approved as circulated.

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

Case No. 6246--Bethany Marina, Inc. - south side of Yacht Basin Road, 1,200 feet west of Route 357, Unit 53, within Bethany Marina Townhouse, Phase 2.

A variance from the setback requirement between multi-family units.

The case was presented by Mr. Betts. Michael Mumford, Secretary for Bethany Marina, was sworn in. D. Stephen Parsons represented the applicant. Mr. Mumford testified that there are plans for 125 townhomes; that the plot for Bethany Marina was approved by Planning and Zoning Commission approximately 2 years ago; that the property has water on 3 sides; that Units 52 & 53 will be 29' apart; that a lagoon was between the units but now is a bulkhead; that a dry hydrant is located on the end of the street.

Robert Thompson was sworn in and testified in opposition of the application. Mr. Thompson testified that he was one of the first owners in Bethany Marina; that the view was a valuable asset and that Unit 53 would block this view and reduce the value of his property. Mr. Thompson expressed his concerns with regards to fire hazards as he does not believe there would be sufficient room for the fire department to reach the units.

Lowell Grimund was sworn in and testified in opposition of the application. Mr. Grimund expressed concerns with the environmental impact, safety, and value of his property. Mr. Grimund testified there is currently water where the units would be built.

Mr. Parsons stated the units would be built on pilings 2' above grade; parking would be provided beneath the units; that new bulkheads would be built.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously to take this case 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 Mr. Callaway and carried unanimously that a variance of 11' from the 40' setback requirement between multi-family units be approved.

Case No. 6247--Elmer F. Bethards, Jr. - west side of a private road, on the south side of the intersection with Penn Central Railroad.

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. Elmer Bethards was sworn in and testified that he plans to place a manufactured home for his own use; that he does not know what size the manufactured home will be; that there is one single-wide manufactured home in the area; that the adjoining properties have dwellings; that he would like to build a dwelling within the next 2 years.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously to take this case 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 to place a manufactured home on less than five acres in an AR-1 District be approved with the stipulation that a single-wide manufactured home be approved for a period of five (5) years or the unit must be a double-wide manufactured home on a permanent foundation.

Case No. 6248--Randy and Christy Willey - south side of Route 527, 1,600 feet north of Route 18.

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. Randy Allen Willey was sworn in and testified that he wanted the unit as a rental but could live in the unit if necessary; that he owns and lives in the the manufactured home across the road from the subject property; that there are several manufactured homes in the area; that he does not know what size manufactured home will be placed.

William Costello was sworn in and testified in favor of the

application. Mr. Costello stated that Mr. Willey has greatly improved the appearance of the lot as the lot was previously an eyesore.

Motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously that this case be taken under advisement.

At the conclusion of the public hearings, the Chairman referred back to this case. Motion was made by Mr. Mills, seconded by Mr. Wheatley and carried unanimously that the special use exception to place a manufactured home on less than five acres in an AR-1 District be approved with stipulation that the land owner, manufactured home owner, and the occupant be the same person and would not be used as a rental unit.

Case No. 6249--Alfred C. & Sandra E. Skidmore - west side of Route 594, Lot 5, Section 1, Glen Circle, within Country Glen.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Gary Lane and Herbert Florey were sworn in with Jim Yori representing the applicants. Mr. Yori stated that the property was purchased before the plot plan was found to be in error; that the current setbacks are not in compliance with the new plot plan; if the request is not granted the units would have to be moved; that the problem was not created by the applicants. Mr. Yori stated that a shed was encroaching on the neighboring property.

Testimony for Case No. 6250 and Case No. 6251 were incorporated in this presentation.

Motion was made by Mr. Wheatley, seconded by Mr. Mills and carried unanimously that a variance of 4.8' from the required front yard setback, and 2.1' from the required side yard setback be approved with the stipulation the shed be moved into compliance with the side setback.

Case No. 6250--Gary and Pamela G. Lane - west side of Route 594, Lot 28, Section 1, Glen Circle, within Country Glen.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Testimony for this case was presented in Case No. 6249.

Motion was made by Mr. Wheatley, seconded by Mr. Mills and carried unanimously that a variance of 6.1' from the front yard setback requirement be approved.

Case No. 6251--Herbert W. and Charlotte M. Florey - west side of  
Route 594, Lot 29, Section 1, Glen Circle  
within Country Glen.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Testimony for this case  
was presented in Case No. 6249.

Motion was made by Mr. Wheatley, seconded by Mr. Mills and  
carried unanimously that a variance of 4.2' from the front yard  
setback requirement be approved.

Case No. 6252--William H. Vernon - Highway One at the intersection  
of Route 275A.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. William H. Vernon and  
Jeff Clark were sworn in with Jim Fuqua, attorney, representing the  
applicants. Mr. Fuqua stated that a real estate office was  
established in 1991; that an addition was added in 1996; that when  
a site plan was prepared in 1997 the problem of the Highway  
Corridor Overlay Zone became evident; that the front property line  
is 10' in from the adjacent properties; that the proposed  
construction is adjacent to the existing building; that if the  
adjacent property on the north side is developed the front property  
structure will conform; that there is no access from Route 1 to the  
current building.

Mr. Fuqua stated the application meets the requirements for a  
variance as the property is unique because of the 10' setback  
difference; that it will not impair visibility; that the ordinance  
for the Highway Corridor Overlay Zone was placed after construction  
of the existing building; that the construction will be in line  
with existing buildings.

William Vernon stated he was not aware of the new zone until  
he had already time and money in the project; that a 10' variance  
was needed instead of a 12.13' variance.

Marilyn Miller was sworn in and testified in opposition to the  
application due to concerns of safety, parking, and proposed  
entrance to the project.

Richard Anthony was sworn in and testified in opposition and  
stated his concerns that the application does not meet the  
requirements for a variance approval.

Don Resler was sworn in and testified in opposition and stated  
he supports the Highway Corridor Overlay Zone.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that this case be taken under advisement.

At the conclusion of the public hearings, the Chairman referred back to this case.

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

OLD BUSINESS:

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.

Motion was made by Mr. Callaway, seconded by Mrs. Hudson, that this request for a variance be approved finding it would not adversely affect the area. Vote was 4 in favor with 1 abstaining.

OTHER BUSINESS:

Case No. 6220--Patricia W. Harris - Lot #E-78, Sea Air Mobile City.  
A variance from the setback requirement between units in a mobile home park.  
Request for rehearing.

Mr. Betts presented a letter from the applicant stating her reasons for a rehearing.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that Patricia Harris can reapply along with the application fee of \$150.00.

Mr. Wheatley discussed a problem created by the new schedule for Board of Adjustment hearings. As the members schedule their activities around the hearing schedule, Mr. Wheatley requested a Board of Adjustment hearing schedule be presented to the members for approval by the first of November each year.

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

Meeting adjourned 9:00 P.M.