

Minutes of February 28, 1994

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, February 28, 1994 in the County Council Chambers, Room 115, Courthouse, Georgetown, Delaware.

The meeting was called to order at 7:00 P. M. with Chairman McCabe presiding. The Board members present were: Mr. McCabe, Mr. Wheatley, Mrs. Hudson, Mr. Mills, Mr. Callaway, Mr. Jones-Attorney and Mr. Betts-Zoning Inspector III.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the minutes of February 7, 1994 be approved as circulated.

Case No. 5287--Jill Clogg Huey/Thomas - North side of Route 207,
2,400 feet west of Route 621.

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

The case was presented by Mr. Betts. Thomas Huey was sworn in and testified, requesting to retain a manufactured home on medical hardship. The applicant stated that the hardship situation is still the same as when it was applied for two years ago (Case No. 4514). The medical hardship is for Mr. Huey's mother-in-law.

Mr. Betts read a letter from a doctor referencing the health of Mr. Huey's mother-in-law.

There were no parties present in opposition.

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

Case No. 5288--K. William & Ruth O. Myers - South side of Route 351,
Lot 12, within Rogers Haven.

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

The case was presented by Mr. Betts. K. William Myers was sworn in and testified, requesting a 5' variance from the front yard setback requirement of 30' and a 2' variance from the 10' side yard setback requirement for steps, deck and chimney on his home. The property being Lot 12, Rogers Haven. Mr. Myers stated that several residences in the development have smaller setbacks than required. He feels his variance will be inkeeping with the neighborhood.

There were no parties present in opposition.

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

Case No. 5289--Donald & Ruth Peterson - West side of Grart Avenue,
within Cape Windsor.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Donald Peterson was sworn in and with sign language interpreter Joy Carney testified. Mr. Peterson requested a 4' variance from the 10' side yard setback requirement to construct a new 28'x 52' house on a lot in Cape Windsor. They want to conform with other residences in the development that are less than the 10' required. He does maintain a 20' setback from the units on adjacent lots.

No correspondence had been received pertaining to this case.

There were no parties present.

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

Case No. 5290--Angela J. & Thomas J. Dunmore - East side of Route
5, $\frac{1}{2}$ mile from Route 311, Lot 2, within
Robert H. Davis Subdivision.

A variance from the lot width requirement.

The case was presented by Mr. Betts. Angela Dunmore was sworn in and testified and was represented by Bill Wilgus, Attorney. The applicants requested a variance of 75' frontage, for two lots, from the 150' road frontage requirement. Mr. Wilgus stated that the applicants are brother and sister and inherited the property from their foster grandmother, being Lot 2, within Robert H. Davis Subdivision. The subdivision is primarily a family subdivision. They wish to each have a lot with a joint driveway. There is an old manufactured home on the property that will be removed. Ms. Dunmore proposes to build a home on her lot.

There were no parties present in opposition.

Motion was made by Mr. Wheatley, seconded by Mr. Mills 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 Mr. Callaway and carried unanimously that the variance be granted with the stipulation that the applicants provide one highway entrance to both parcels.

Case No. 5291--Eugene Bryan - Northeast side of a private road,
300 feet north of Route 20 and 500 feet
east of Route 474.

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. Eugene Bryan was sworn in and testified, requesting to continue the use of a 1983, 14'x 70'

manufactured home on property he is purchasing. The manufactured home was placed on the property as an on farm permit and now a parcel is being subdivided out of the farm and Board approval is needed for the manufactured home to remain on the property. The unit has been on the property for two years according to Mr. Bryan. Mr. Bryan stated that his parents own the front parcel of the property.

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.

Case No. 5292--Bayside Holding Company - North side of Route 26,
¼ mile east of Route 349A.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Joseph Stauffer was sworn in and testified, representing Bayside Holding Company, who requested a 15' variance from the 50' front yard setback requirement in a C-1 District for display purposes. The applicants wish to display a 10'x 15' model room on the property for display purposes only and need a variance. They feel the variance will not adversely affect other properties.

Mr. Betts read a letter from Charles R. Hudson with the Indian River School District who owns property adjacent, voicing no objections.

There were no parties present in opposition.

Motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that the variance be granted, finding the use will have no affect on adjacent properties.

Case No. 5293--Marion H. & Barbara B. Walls - North side of Route 219,
at the intersection with Route 38.

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

The case was presented by Mr. Betts. Marion Walls was sworn in and testified, requesting a 4' variance from the 20' rear yard setback requirement for a shed, a 9' variance from the 15' side yard setback requirement for a silo and a 10' variance from the 15' side yard setback requirement for a block barn. Mr. Walls has two chicken houses he wants to divide with his son, who helped to pay for them, and Planning and Zoning wants him provide an easement for his son to get to the chicken houses, therefore, variances are needed for the existing structures.

There were no parties present in oppsition.

Motion was made by Mr. Wheatley, seconded by Mr. Callaway and carried unanimously that the variances be granted, finding it is a farm operation and settlement with Mr. Walls son.

Case No. 5294--Vincent & Bernadette Alchimowicz - West side of
Route 351, $\frac{1}{2}$ mile north of Route 349,
Lot 16-A, within Denton Manor.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Vincent and Bernadette Alchimowicz were sworn in and testified, requesting a 2' variance from the 10' side yard setback requirement of 10' for a garage attached to the house. The property being Lot 16-A in Denton Manor. The garage will be built on the side of the house and provide access to and from the car for her handicapped husband. There is no other location on the property for the garage because of the septic system. Mrs. Alchimowicz stated that there is an Association in Denton Manor, but she forgot to tell them of their plans.

Mr. Betts stated no correspondence had been received.

Guenther Klees was sworn in and testified in behalf of the application, stating that he lives across the 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. 5295--Stanley R. Curry - West side of Route 535, $\frac{1}{2}$ mile
south of Route 46, within Indian Village.

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. Stanley Curry was sworn in and testified, requesting to place a 1977, 14'x 70' manufactured home on property he is purchasing for his residence, being a lot in Indian Village. He testified that there are other manufactured homes in the development.

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.

Case No. 5296--Bonnie Bonneville - East side of Route 13, at the
intersection of Route 404.

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

The case was presented by Mr. Betts. Bonnie Bonneville was sworn in and testified, requesting to use a manufactured home type structure for business purposes, a used car lot. Ms. Bonneville stated that the unit is strictly built for office use and has no living quarters or bathroom. It is being purchased from Allied Company and she does not know the size. The existing building on her property now is in need of costly repairs.

There were no parties present in opposition.

Motion was made by Mr. Callaway, seconded by Mr. Mills and carried unanimously that the special use exception be granted for a period of five (5) years.

OLD BUSINESS

Case No. 5279 (cont'd.)--Demmy G. Casta (Realtor) - West side of Route 483, 200 feet west of Route 484.

A variance from the minimum lot frontage requirement and the minimum lot size requirement.

The case was reviewed by Mr. Betts.

After some discussion, motion was made by Mr. Callaway, seconded by Mr. Mills that the variances be granted, with Mr. Wheatley abstaining. Motion carried with four voting in favor and one not voting. Finding the use will not have an adverse affect on the other properties and the property cannot be utilized other wise.

Case No. 5282 (cont'd.)--R. A. Raley - North side of Route 9, ½ mile west of Route One.

A special use exception to place off premise signs.

The case was reviewed by Mr. Betts.

Mr. Jones, Attorney, referenced the sign amendment by County Council and stated that due to the action by the County Council in regards to signs, the applicant had to apply for a special use exception for the signs. He also referenced the granting of a special use exception according to the Zoning Code, that the use will not have an adverse affect on adjacent and surrounding properties.

After some discussion, motion was made by Mr. Mills, seconded by Mrs. Hudson that the case be tabled, to give Mr. Wheatley an opportunity to view the site and listen to the tapes of the public hearing, since he was absent from the meeting, with Mr. Wheatley abstaining. Motion carried with four voting in fovor and one not voting.

Case No. 5284 (cont'd.)--R. A. Raley - At the intersection of Route 9 and Route 269.

A special use exception to place off premise signs and a variance from the requirements for signs.

Motion was made by Mrs. Hudson, seconded by Mr. Mills that the case be tabled, to give Mr. Wheatley an opportunity to view the site and listen to the tapes of the public hearing, since he was absent from the meeting, with Mr. Wheatley abstaining. Motion carried with four voting in favor and one not voting.

Case No. 5285 (cont'd.)--R. A. Raley - West side of Route 24, at
the intersection of Route 301.

A special use exception to place off premise signs
and a variance from the requirements for signs.

Motion was made by Mr. Mills, seconded by Mrs. Hudson that the
case be tabled, to give Mr. Wheatley an opportunity to view the site
and listen to the tapes of the public hearing, since he was abesent
from the meeting, with Mr. Wheatley abstaining. Motion carried
with four voting in favor and one not voting.

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

Meeting adjourned at 7:49 P. M.