

Minutes of February 28, 2000

The regular meeting of the Sussex County Board of Adjustment was held Monday evening February 28, 2000, at 7:00 P.M., in the 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. Wheatley, Mr. Mills, Mr. Hudson, Mr. Berl – Assistant County Attorney, Mr. Rickard – Chief Zoning Inspector, Mr. Oates – Planning and Zoning Inspector, and Ms. Jackson – Recording Secretary.

Motion by Mr. Wheatley, seconded by Mr. McCabe, and carried unanimously to approve the Revised Agenda as circulated.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of February 7, 2000 as circulated.

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

Case No. 7079 – Donna L. Bundick – east of Road 431, 1, 540 feet south of Road 472.

A special use exception to operate a day care facility.

The application was denied because there was no representation.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the special use exception be denied. Vote carried 5 – 0.

Case No. 7080 – Conti Mortgage Corp. – east of Road 595, 105 feet north of right of way, Lot J, within Florine P. Street Est.

A variance from the side yard setback requirement.

Mr. Rickard presented the case. Karl Haller, Attorney, was present on behalf of the applicant requesting a 10.39 foot variance from the required 15 foot side yard setback for a dwelling and a 0.74 foot variance from the required 15 foot side yard setback for a garage. Paul Lallier and W.J. Smith were sworn in and stated that the dwelling and garage were built in 1984; and that they found out about the violation when the survey was recently done.

By a show of hands, there was one party present in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be granted. Vote carried 5 – 0.

Case No. 7081 – Donald G. D’Aguila – north of U.S. Route 13, corner north of Route 46.

A special use exception for an off-premise sign.

Mr. Rickard presented the case and read a letter from Donald T. Collins with Certified Services, Inc. and stated that Planning and Zoning issued a permit in error for an on-premises sign instead of an off-premise sign. Donald T. Collins was sworn in and stated that the sign is for Marathon Inn Motel and that it will be completed by the end of the year; and that the entrance permit and stormwater management had been done.

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

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the special use exception be granted for an off-premise sign until June 2001.
Vote carried 5 – 0.

Case No. 7082 – Craig Mullins – north of Route 18, 1, 900 feet west of Road 561.

A special use exception for a private garage for more than four automobiles and larger than 900 square feet.

Mr. Rickard presented the case. Craig Mullins was sworn in and Michael McGroerty, Attorney, was present on behalf of the applicant stating that Mr. Mullins has two hobbies; that he likes to race cars and collect antique cars; that he has 2 race cars and 12 antique cars; that it does not adversely effect neighboring owners, that the garage is for private use and not for commercial use; that he stores swimming pool equipment, two jet skis and a pool table in the garage also; that there is a dwelling and inground swimming pool on the property; and that the building permit noted that no more than four cars are to be stored in the garage.

Alan Joseph was sworn in opposition to the application stating that he is a neighbor: that there is a paint shop, lift, and frame machine in the garage; that commercial work is being done between the hours of 8 A.M. and 6 P.M. every night; that Mr. Mullins drag races in front of his home; that his home is 200 feet from the garage; and that he has lived on the property for 15 years.

Dudley and Patricia Ewing, neighbors, were sworn in favor of the application stating that they have lived on their property for 27 years; that Mr. Mullins keeps his property neat; and that Mr. Mullins has a hobby of racing stock cars and that they are loud.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the special use exception be tabled until March 6, 2000. Vote carried 5 – 0.

Case No. 7083 – Melvin L. Rust, Haddie E. Rust Parsons, Everett W. Rust, Donald E. Rust, and Dale C. Rust – north of Route 24, 905.23 feet east of Road 309.

A variance from the side yard setback requirement and a variance from the lot width requirement.

Mr. Rickard presented the case. Melvin Rust, Haddie Rust Parsons, Everett Rust, and Dale Rust were sworn in and testified requesting a 5 foot, 13.51 foot, 8.25 foot and a 7.22 foot variance from the required 15 foot side yard setback requirement and a 69.99 foot and 56.73 foot variance from the required 150 foot lot width for the land that their father had left them; that they would like to divide the land into 3 parcels; that there are existing buildings on the property; and that they are keeping the land in the family.

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 variances be granted. Vote carried 5 – 0.

Case No. 7084 American Sign Co., Inc. – east of Route 1, 1,100 feet south of Road 270-A, Lighthouse Plaza.

A variance for a second wall sign.

Mr. Rickard presented the case. Mike Hewitt, and the Manager of Leisure Fitness Equipment Outlet, were sworn in and stated that the store is on a corner; that there is an existing 45 square foot sign in the front of the building; and that they would like another 45 square foot sign on the corner side of the building.

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 tabled until March 20, 2000. Vote carried 5 – 0.

Case No. 7085 – Carole A. Schermer – east of Route One, 100 feet north of Road 360, Lot T-4, Ocean Village.

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

Mr. Rickard presented the case and read a letter from John C. Dahlberg, neighbor, in opposition to the application. Jack Daggett was sworn in on behalf of the applicant and testified requesting a 2 foot variance from the required 10 foot side yard setback for a screen porch and a 1 foot variance from the required 10 foot rear yard setback for a deck and that the deck encroaches 1 foot into the utility easement; that the applicant was not the original owner; that she bought the home in 1991; that the first survey did not show the utility easement; that the screen porch was built in 1994 and was approved by the Architectural Review Committee; that the screen porch is 10.4 foot instead of 8.4 foot from the property line and that he thinks the deck should be 2 foot or 2.5 foot instead of 1 foot from the property line; that the home is in the 1,500 square foot range; and that there would not be an impact on adjacent property owners.

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 variances should be left open until March 6, 2000 for further research to verify the distances that are really needed. Vote carried 5 – 0.

Case No. 7086 – Jacqueline Twyman – north of Road 243, 2,100 feet east of Road 114.

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

Mr. Rickard presented the case and read a letter from Milton Family Practice. Jacqueline Twyman, Sherry Brinton and Chattie Saab were sworn in and stated that Alfred McCrea, grandfather of Ms. Twyman, died in 1996 and that a permit was issued in 1989 for the existing manufactured home for a medical hardship.

Lynam McCrea, son of the deceased Alfred McCrea, was sworn in and stated that he is in opposition to the application because he would like to fix up the home.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the special use exception be left open until March 20, 2000 to determine if a hardship does exist and to research records.

Case No. 7087 – Pearl M. Pringle – southeast of Road 266, north side of Kansas Court, Lot 24, within Sand Dunes Village.

A variance from the side yard setback requirement.

Mr. Rickard presented the case. Pearl Pringle was sworn in and Doug Marshall, Attorney, was present on behalf of the applicant and testified requesting a 2.20 foot variance from the required 10 foot side yard setback; that they bought the property from Robert and Carolyn Hoyt; that she owns lot 24 and 25; that a house was existing on lot 24 when they purchased the land and then purchased lot 25 by putting a garage on it; that Mr. Pringle died in March 1999 and then she decided to sell lot 25; that they removed the garage from lot 25 and placed it on lot 24; and that she submitted a letter to the Sand Dunes Subdivision Homeowners for permission to make lot 25 smaller, so that then her home on lot 24 would not be in violation, but that 5 people were in opposition and 35 people were in favor.

Mr. Tique, Realtor and friend of the applicant, was sworn in and stated that if the variance was not granted that Mrs. Pringle would have to remove 2.2 foot of her home; that Mrs. Pringle has lived in the subdivision for 25 years; and that her husband had a laundry room added to their home 10-15 years ago that is in violation.

Joan Donofrio was sworn in and stated that she is in favor of the application because her daughter and son-in-law were buying lot 25.

Doreen Lyons, Dorothy Petticomb, Bill Powell and Steven Mead were sworn in opposition to the application.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the variance be left open until March 20, 2000 to research more information from the permits.

Old Business

Case No. 7070 – Robert W. and Sarah I. Gore – east of Route One, southeast of Sea Del Drive, Lot 11, within Sea Del Estates.

Mr. Rickard stated that he researched the situation and that no variances have been granted to anyone in Sea Del Estates and that it does not have any impact in Bethany Dunes, an adjacent subdivision.

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously that the variance be granted. Vote carried 5 – 0.

Case No. 6782 – Ronald T. and Cynthia Houston – west of Road 516, ½ mile north of Road 525.

A variance from the lot size requirement and a variance from the lot width requirement.

Mr. Rickard read a letter from Cynthia Houston stating that she would like to have an extension until August 15, 2000 due to financial and personal problems, she was unable to establish the variance as requested on January 4, 1999.

Motion was made and seconded to table action on this request until April 3, 2000. Vote carried 5 – 0.

Meeting Adjourned 9:40 P.M.