

Minutes of March 1, 1993

The regular meeting of the Sussex County Board of Adjustment was held on Monday evening, March 1, 1993 in the County Council Chambers, Room 115, Courthouse, Georgetown, Delaware.

The meeting was called to order at 6:55 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 Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the minutes of February 22, 1993 be approved as circulated.

Case No. 5019--Thomas L. McCabe - Northwest side of a privacy road off Route 113, northwest Route 323.

A special use exception to place a manufactured home type structure to be used as an office.

The case was presented by Mr. Betts. Thomas McCabe was sworn in and testified, requesting to place a 1968, 12'x 40' manufactured home on his property to be used as an office and for office storage. Mr. McCabe also stated he would like to use the manufactured home for friends and relatives to reside in from time to time. Mr. McCabe has a construction business on his property and wants to use the manufactured home for an office and storage of records related to the business. He testified he has an office elsewhere also. He will also use the kitchen in the manufactured home occasionally. An aerial photograph was shown of his property.

Mr. Jones, Attorney, explained to the applicant that there is no provision in the Zoning Code to allow the manufactured home office to be used for residential use. He explained that the Board can only act on the office use and storage.

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 for the manufactured home type structure to be used as an office and for office storage, for a period of five (5) years.

Case No. 5020--Kenneth R. & Dora K. Smith - South side of Route 437A, $\frac{1}{4}$ mile west 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. Kenneth & Dora Smith were sworn in and testified, requesting to place a 1983, 14'x 70' manufactured home on their property for their residence. They testified that there are other manufactured homes located in the area, the nearest on the adjacent 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. 5021--Fashion Bug #2731 - Southwest side of Route 14, on the west side of the intersection with Route 274.

A variance from the size requirement for a sign.

The case was presented by Mr. Betts. Carol Ann Lichtenberger was sworn in and testified representing Fashion Bug, who requested a variance from the size requirement for a sign. The applicants requested a 40 square foot variance from the 100 square foot requirement for a wall sign to be 140 square feet in size. The applicant stated that this is the size on all Fashion Bug locations. It is a standard sign for Fashion Bug. The sign will be located at the Fashion Bug store at Rehoboth Mall.

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. 5022--Charles T. & Brenda Workman - Northeast corner of the intersection of Route 473 and Route 446.

A special use exception to place a second manufactured home on farm.

The case was presented by Mr. Betts. Brenda Workman was sworn in and testified, requesting to place a second manufactured home on their farm for their son, who will help them part-time on the farm. The existing manufactured home is occupied by their daughter.

There were no parties present in opposition.

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

Case No. 5023--Patricia Lewis - East side of Route 297, 300 feet south of Route 24, Lot 130, within River Village II.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Patricia Lewis was sworn in and testified, requesting a 10' variance from the front property line setback requirement of 30' to be 20'. The applicant had a manufactured home placed on her property by an out of town firm and it was placed to close to the front property line on one corner. The property is located on a cul-de-sac, on Lot 130, River Village II. She testified that she had had three different surveys done on the property.

Fred Zimmerman, John Ounan and Betty Galyean were sworn in and testified in opposition, representing River Village Homeowners Association. They stated that the applicant did not contact the Homeowners Association prior to placing her manufactured home on the lot. She did not have the Association approval to place the unit. Mr. Zimmerman stated that Ms. Lewis is in violation of the covenants for River Village II, since they also require a 30' front yard setback. They testified that if approved they will pursue it further, because of their convenants.

Mr. Jones, Attorney, explained to the applicant that she would have to comply with the County and the covenants of River Village II to keep the unit on the property.

Mr. Zimmerman stated that the unit will have to be moved to comply.

The applicant stated she has the property for sale, but wants everything in order before she sells.

Motion was made by Mr. Wheatley, seconded by Mrs. Hudson that the case be tabled. Before the motion was voted on, Mr. Wheatley withdrew his motion and Mrs. Hudson withdrew her second.

After further discussion, motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously that the variance be denied, finding the applicant failed to meet legal requirements for the granting of a variance.

OLD BUSINESS

Case No. 5014 (cont'd.)--David R. Hamm, "Parts Plus" - Northwest side of Route 26, approximately 200 feet north-east of the intersection of Route 54 and 20.

A variance from the side yard setback requirement.

Mr. Betts reviewed the case.

After some discussion, motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the case be tabled.

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

Meeting adjourned at 7:26 P.M.