

Minutes of March 6, 1995

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, March 6, 1995 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. Mills, Mrs. Hudson, Mr. Wheatley, Mr. Callaway, Mr. Jones-Attorney, and Mr. Betts-Zoning Inspector III.

Motion was made by Mr. Mills, seconded by Mr. Callaway that the minutes of February 27, 1995 be approved as circulated, with Mrs. Hudson and Mr. Wheatley abstaining. Motion carried with three voting in favor and two not voting.

Case No. 5604--K-Mart, Inc. - North side of Route One, $\frac{1}{4}$ mile east of Route 274A.

A variance from the requirements for signs.

The case was presented by Mr. Betts. Lynn Rogers was sworn in and testified, representing K-Mart, Inc., who requested a variance from the requirements for signs. The Zoning Code permits one wall sign and K-Mart requested three wall signs, due to the large size of the building. Mr. Rogers stated that one sign is not enough to be seen properly and identify the building. The signs will be 10'x 12' red K's that are internally lit.

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. 5605--Robin L. Quillon - West side of Route 14, at the intersection of Route 209A, Lot I-2, within Shawnee Acres Subdivision.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Robin Quillon was sworn in and testified, requesting a 5" variance from the side yard setback on Lot I-2, Shawnee Acres. The dwelling on the property is completed, but due to an error by the mason, half of a block is too close to the side property line.

There were no parties present in opposition.

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

Case No. 5606--Keith M. & Bernadette A. Atkins - East side of Route 535, within Snug Harbor.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Glenn Griffin, Home Builder, was sworn in and testified in behalf of the application, stating that he built the home for the applicants in Snug Harbor. The applicant requested a 1.5' variance from the front yard setback requirement of 30'. Mr. Griffin testified that the lot is pie shaped. When he measured he went perpendicular to the lot and not the road. He stated that there is no problem with the Association in Snug Harbor.

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. 5607--Robert Segletes - North side of Route 38, 350 feet west of Route 229.

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

The case was presented by Mr. Betts. Robert & Ruth Segletes were sworn in and testified, requesting to continue a manufactured home on basis of hardship for her parents. She testified that the hardship is still the same and getting worse.

Mr. McCabe explained that the hardship has to be renewed every two years and the manufactured home removed once the hardship ceases.

Mr. Betts read letters from a doctor referencing the parents health.

There were no parties present in opposition.

Motion was made by Mr. Callaway, 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. 5608--Mark R. & Paula Rogers - West side of Route 410, 1,900 feet southwest of Route 409.

A variance from the minimum lot width requirement.

The case was presented by Mr. Betts. Mark Rogers was sworn in and testified, requesting a 100' variance from the 150' lot width requirement. Mr. Rogers purchased 8.97 acres adjacent to a 5 acre parcel he owns. He wants to build a house on the rear parcel (8.97 acres) and need access to the property. Their other properties they hope to retain for possible sale.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mr. Wheatley 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 variance be granted, due to the fact it would not increase the number of permitted lots.

Case No. 5609--Pandora Tate - Southeast side of Route 641, 299 feet east of Route 113.

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. Pandora Tate & Baron Keith Harmon were sworn in and testified, requesting to place a 1995, 24'x 56' or 14'x 70' manufactured home on their property for their residence. They testified there are other manufactured homes in the area.

Harold Short was sworn in and testified in opposition, stating that he feels the applicant is getting a bad deal on the property, because of well and septic problems. He stated that there are three manufactured homes on adjacent lots on one septic system. He stated that he does not believe the applicants property can get approval for a proper septic system or well. Pictures were presented.

It was explained to Mr. Short that the septic system would be handled by D.N.R.E.C.

Ms. Tate and Mr. Harmon stated that they have approval for a septic system. They stated they will not put anything on the property without approval.

Motion was made by Mr. Mills, seconded by Mr. Callaway 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. Wheatley, seconded by Mr. Callaway and carried unanimously that the case be tabled.

Case No. 5610--James G. Reynolds - West side of Route 607, 2,100 feet southwest of Route 113.

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

There were no parties present in behalf of this application.

The Chairman held the hearing open until the end of the meeting.

At the conclusion of the public hearings, the Chairman referred back to this case. There were no parties present in behalf of or representing this case. There were no interested parties present in reference to this case.

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

to lack of representation and the applicant cannot reapply for a period of one (1) year.

Case No. 5611--Jack Lingo, Inc. Realtor - South side of Route One,
10 feet south of Route 9.

A special use exception to place a manufactured home to be used as a temporary sales office.

The case was presented by Mr. Betts. John E. Lingo, Jr. was sworn in and testified representing Jack Lingo, Inc. Realtor, who requested to place a 14'x 40' office type manufactured home on property they are leasing to use as a sales office to promote the selling of the Plantations Development. He testified that they will need the manufactured home type office for at least three years or less. The lease on the property is for one year with renewal. He stated they are selling at an average of four units per month. Mr. Lingo stated they will have ample parking spaces. The office manufactured home will have a canopy and a deck. The office will not be located on Plantation property, but on Route One south of Route 9. Mr. Lingo stated that people have trouble getting to The Plantations or find it since the change in the road and intersection of Routes 1 and 9.

Michael Tyler was sworn in and testified in opposition. He stated he is with the City Coalition out of Lewes. Mr. Tyler made reference to the use as a conditional use and what could take place. He stated that the use could have a serious affect on traffic. He feels people can get to the Plantations with no problem without having the office manufactured home at the location requested. He explained the traffic problems that could be created.

Mable Granke was sworn in and testified in opposition, stating she is on Rehoboth Beach Planning Commission. She feels there is an over capacity with traffic now. She stated there is no merge lane now from Route 9 onto Route 1 and the area is very dangerous.

Richard Anthony was sworn in and testified in opposition and made reference to and read from the Zoning regulations. He feels the use will not help with the conjection in the location and he is concerned about the access in that area.

Mr. Lingo stated that D.N.R.E.C. had refused their request to put signs in the area to direct traffic to the Plantations, saying they are not allowed. He stated there is a curb cut by Del D.O.T. that goes down by Wright Chrysler that they will use. He showed the plot plan and explained. He also stated that the use is only temporary and not permanent.

Ms. Granke explained another location where access to the Plantations could go.

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.

Wheatley, seconded by Mr. Mills and carried unanimously that the special use exception be granted for a period of three (3) years, finding the use will not affect the neighborhood and the use is temporary.

OLD BUSINESS

Case No. 5580 (cont'd.)--Thomas A. & Monica C. Wheatley - East side of Route 13A, ¼ mile north of Route 502.

A variance from the rear yard setback requirement.

Mr. Betts reviewed the case and explained that the Inspector saw a property marker where the applicants were cutting grass and thought the marker was correct. There was no permit for the pool house. Mr. Betts stated a 2'4" variance is needed for the pool, a 3'8" variance for the pool house and a 4' variance for the deck.

Mr. Callaway did not participate in this discussion due to his absence at the public hearing.

After some discussion, motion was made by Mr. Mills, seconded by Mrs. Hudson that the variance be granted, with Mr. Callaway abstaining. Motion carried with four voting in favor and one not voting. They found that the use will not adversely affect the area.

Case No. 5600 (cont'd.)--Donald G. & Hester S. Downes - Northwest side of Route 633, 800 feet north of Route 634.

A variance from the minimum lot width requirement.

Mr. Betts reviewed this case.

Mr. Wheatley and Mrs. Hudson did not participate in this discussion due to their absence at the public hearing.

After some discussion, motion was made by Mr. Callaway that the variance be granted.

Due to lack of a second the motion died, therefore, denying the variance since only three members were present at the public hearing. Mr. Wheatley and Mrs. Hudson abstained from voting.

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

Meeting adjourned at 8:35 P. M.