

Minutes of March 16, 1992

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, March 16, 1992 in the County Council Conference Room, 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. Stuchlik, Mrs. Hudson, Mr. Carey, Mr. Wheatley, Mr. Jones-Attorney, Mr. Betts-Chief Zoning Inspector and Mr. Rickard-Zoning Inspector.

Motion was made by Mr. Stuchlik, seconded by Mr. Carey and carried unanimously that the minutes of March 2, 1992 be approved as circulated.

Case No. 4663--David & Linda Hastings - North side of Route 54,
4,705 feet east of Route 504.

A variance from the setback requirements for private stable.

The case was presented by Mr. Betts. David Hastings was sworn in and testified, requesting variances from the setback requirements for private stables. Mr. Hastings testified that his father-in-law obtained the permit for the stables, which have been constructed. There was a mis-understanding about the setbacks, because of the way they were written on the building permit, which was not clear. A 45' variance is requested from the 50' setback from the rear and side property lines to be 5', for stable B. A 38' variance from the 50' required setback from the side property line and a 20' variance from the 50' required rear property line setback, for stable A. There is field and pastureland on adjacent property. The applicant will have one (1) horse and two (2) ponies for private use only. Affidavits and a letter from neighbors were presented voicing no objection.

Mr. Jones read names of people who signed the affidavits and letter presented.

There were no parties present in opposition.

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

Case No. 4664--Dean W. & Angela D. Tingle - North side of Route 510,
1,484 feet south of Route 503.

A variance from the lot depth requirement.

The case was presented by Mr. Betts. Dean Tingle was sworn in requesting a variance from the lot depth requirement to be able

to subdivide a parcel of land into two lots. Mr. Tingle was represented by Jim Waehler, Attorney. Mr. Tingle purchased a property with an existing dwelling on it and at the time he thought the property consisted of two lots. A survey of the property was not done at the time of purchase. When settlement was done, is when Mr. Tingle found out there was one parcel. He has tried without success to purchase more property. He proposes to renovate the existing house and build a new home on the property, the newly created lot. He will not reside in either house. He hopes to sell the property. Mr. Tingle requests a variance of 6.75' from the 100' depth requirement to be 93.25' to subdivide the parcel into two lots.

There were no parties present in opposition.

Motion was made by Mr. Stuchlik, seconded by Mr. Carey 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. Stuchlik, seconded by Mr. Carey and carried unanimously that the variance be denied, finding the applicant created his own hardship and the property can be used as one lot.

Case No. 4665--Wilmington Trust Co. - North side of Main Street,
200 feet east of Frankford Avenue.

A variance from the setback requirements for signs.

The case was presented by Mr. Betts. Vincent Whaley was sworn in and testified representing the Wilmington Trust Co., who requested a variance of 35' from the minimum setback of 100' from a dwelling and a 45' variance from the 100' setback requirement from a dwelling for a sign. The property is located in the Town of Frankford. The sign will replace an existing sign. It will be no higher than the existing sign and will not obstruct any view. One dwelling in less than 100' appears to be abandoned.

There were no parties present in opposition.

Motion was made by Mr. Carey and seconded by Mrs. Hudson that the variance be granted, with Mr. Stuchlik not voting. Motion carried with four voting in favor and one not voting.

Case No. 4666--Cecil Mason, Jr. - Northeast side of Route 443,
1,500 feet southeast of Route 435.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Cecil Mason, Jr. was sworn in and testified, requesting a 3'5" variance from the required 15' side yard setback. Mr. Mason stated that last summer he had an addition constructed to his dwelling by Wilson Builders. Until he recently went to refinance his home, he was not aware of an encroachment into the setback. A permit had been obtained by the builder. Mr. Mason stated that the property lines are hard to determine. The property is adjacent to woodland.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Carey 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. Carey and carried unanimously that the variance be granted and a letter sent to the contractor making him aware of the error made and the feelings of the Board.

Case No. 4667--Robert & Annie Mae Yeadt - North side of Route 512,
1,500 feet west of Route 54.

A special use exception to place a private garage for more than four (4) automobiles and with floor area of more than nine hundred (900) square feet for private use in a residential district.

The case was presented by Mr. Betts. Robert & Annie Mae Yeadt were sworn in and testified, requesting a special use exception to place a private garage for more than 4 automobiles and with floor area of more than 900 square feet for his private use in a residential district. The 20'x 90' (6) car garage to park antique cars, tractor and equipment will contain 1800 square feet. Pictures of the property were presented. A permit showing a six door garage was obtained.

James Robert DeShields who lives next door, was sworn in and testified in behalf of the application.

There were no parties present in opposition.

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

Case No. 4668--Laurence & Gloria Slough - North side of Route 54,
one mile east of Route 381, Lot 21I,
within Swann Keys.

A variance from the maximum lot coverage requirement.

The case was presented by Mr. Betts. Laurence & Gloria Slough were sworn in and testified, requesting a variance from the 35% lot coverage on Lot 21I in Swann Keys. The applicants placed their unit on the property and turned the steps into a ramp for easier access for Mr. Slough who has a disability. With the ramp added the lot coverage is more than 35%. They request to be 175 square feet over the 1925 square foot lot coverage. Petitions from neighbors were presented in support of the request were presented.

A letter from the Swann Keys Association was read into the record by Mr. Betts.

There were no parties present in opposition.

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

Case No. 4669 - John C. & Margaret H. Dickerson - East side of Route 13, 3,000 feet south of Route 460.

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

The case was presented by Mr. Betts. John C. & Margaret H. Dickerson were sworn in and testified, requesting to place a 2nd. manufactured home on their farm for their son. The manufactured home is a 1984, 14'x 70' unit. Their daughter lives in the existing manufactured home. The applicants stated that their son works on the farm.

There were no parties present in opposition.

Motion was made by Mr. Carey, seconded by Mr. Stuchlik and carried unanimously that the special use exception be granted.

Case No. 4670--Ronald W. Littleton - West side of Route 619, 634 feet north of Donovan Drive, Lot 9, within Donovan Development.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Ronald W. Littleton was sworn in and testified, requesting a 2' variance from the 10' side yard setback requirement to be 8'. Mr. Littleton proposes to construct a bedroom addition to his home located on Lot 9, in Donovan Development.

There were no parties present in opposition.

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

Case No. 4671--Alan W. Adams - South side of Route 437A, 2,800 feet west of Route 62.

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. Alan W. Adams was sworn in and testified, requesting to place a 1992, 14'x 76' manufactured home on property being deeded to him for his residence. He testified that there are other manufactured homes in the area.

There were no parties present in opposition.

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

Case No. 4672--Marian M. Nystrom - West side of Route 13A, $\frac{1}{4}$ mile south of Route 488 (Williams St.), Lots 25D and 25C, within Johnson's Development.

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. Marian Nystrom was sworn in and testified, requesting to place a 1992, 14'x 76' manufactured home on her property, being Lot 25D and 25C in Johnson's Development, for her residence. She testified that there are other manufactured homes located in the area including Sussex Manor Manufactured Home Park.

Alma Nystrom, sister-in-law and adjacent property owner, was sworn in and testified in behalf of the application.

There were no parties present in opposition.

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

Case No. 4673--Phyllis Mae Dennis - North side of Route 64, 1,459 feet west of Route 70.

A special use exceptiton 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. Phyllis Mae Dennis was sworn in and testified, requesting to place a 1988, 24'x 60' manufactured home on her property for her residence. She testified that there are other manufactured homes in the area.

Victoria Leiby, who lives next door, was sworn in and testified, questioning ownership of the property. She does not oppose as long as the property is not used as rental.

The applicant testified that she is the owner of the property and had a deed as proof.

There were no parties present in opposition.

Motion was made by Mr. Wheatley, seconded by Mr. Stuchlik and carried unanimously that the special use exception be granted.

Case No. 4674--Robert D. & Dolores E. Russell - South side of Route 527, 1,510 feet east of Route 18.

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

The case was presented by Mr. Betts. Robert D. & Dolores E. Russell were sworn in and testified, requesting to continue the use of a manufactured home on medical hardship for their sister. The previous case (No. 3466) was approved on medical hardship for their parents and sister. The parents are deceased and the sister who has a medical disability needs to continue to live in the manufactured home, but needs care. Letters pertaining to the applicants sister were presented.

Mr. Betts read a letter received from Delaware Health & Social Services pertaining to the health of the applicants sister.

There were no parties present in opposition.

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

OTHER BUSINESS

Case No. 4348 - Tyree W. & Sandy D. Williams
Request for an extension.

Mr. Betts stated that a letter had been received from the applicants requesting a one year extension for placement of their manufactured home, due to septic system delay.

Motion was made by Mr. Carey, seconded by Mrs. Hudson and carried unanimously that the request for a one (1) year extension for Case No. 4348 be granted.

Case No. 4356 - Clarence B. & Gertrude Evans
Request for an extension.

Mr. Betts stated that a letter had been received from the applicants requesting a one year extension for a sign variance due to a change of ownership and redesigning the sign.

Motion was made by Mrs. Hudson, seconded by Mr. Carey and carried unanimously that the request for a one (1) year extension for Case No. 4356 be granted.

DISCUSSION

Mr. Jones discussed variance regulations with the Board members.

Meeting adjourned at 8:11 P. M.