

Minutes of March 20, 1995

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, March 20, 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. 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 March 6, 1995 be approved as circulated.

Case No. 5612--Joseph & Amanda Consalo - East side of Route 594,
2,600 feet south of Route 545.

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. Joseph Consalo was sworn in and testified, requesting to place a new 28'x 68' manufactured home on property they are conveying to their daughter for her residence. The property is located next to Walker's Mill Manufactured Home Park, plus there are other manufactured homes in the area. Mr. Consalo stated that his son has a manufactured home on the opposite side of his property and he now wants to create a parcel for his 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. 5613--Daniel Littleton - West side of Route 258, at the
intersection with Route 259, Lot 14,
within Lazy Lake.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Daniel Littleton was sworn in and testified, requesting a 6' variance from the 30' front yard setback to be 24', on Lot 14, Lazy Lake. the applicant replaced a small manufactured home with a larger one and now encroaches into the setback.

Bertha Littleton was sworn in and testified in behalf of the application, stating they placed an 80' unit on the lot. They cannot move it back any further on the lot due to the trees on the property. The unit is being lived in.

Mr. Betts stated there had been no correspondence received pertaining to this case.

There were no parties present in opposition.

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

Case No. 5614--Willie Adamson & Barry Harris - East side of Route 516, at the intersection of Route 525.

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. Willie Adamson was sworn in and testified, requesting to place a 1989, 14'x 70' manufactured home on property he is purchasing for his residence. He stated there are other manufactured homes in the area, the nearest on either side of the property he is purchasing.

Howard Bell, who owns property in the immediate area, was sworn in and testified in opposition, stating there are only two other manufactured homes on their side of the road and one is to be replaced by a conventional dwelling. He feels more manufactured homes coming into the area could bring down property values. He stated there are very nice homes in the area. Mr. Bell questioned why the applicant could not put his manufactured home in the manufactured home park that is in the area.

Mr. Adamson stated that there is a house and two manufactured homes across the road in front of the property he is interested in.

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

Case No. 5615--Edwin A. Kwiatkowski - East side of Maple Lane, 600 feet south of Cedar Road, Lot 12, within Keen Wik.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Edwin A. Kwiatkowski was sworn in and testified, requesting a 4' variance from the side yard setback requirement of 10' for a laundry room addition, built in 1994. The property being Lot 12, Keen Wik. Mr. Kwiatkowski stated that the house was built in 1970 by the previous owner, and the laundry room was added. He believed the setbacks were less at that time, but was told he must conform to today's setbacks. He presented letters from neighbors voicing no opposition. Mr. Kwiatkowski stated that Charles Hickman was the builder and Mr. Hickman told him he was grandfathered in on the setbacks. He stated that most of the homes in the development are the same distance as his.

Mr. Betts read the letters presented by Mr. Kwiatkowski from Frank and Susan Hunt and William and Norma Brown, stating no opposition.

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. 5616--Lester & Annie Brown - North side of Route 334,
1,000 feet south of Route 333.

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. Lester Brown was sworn in and testified, requesting to place a 1994, 28'x 52' double-wide manufactured home on his property for his use. He testified there are other manufactured homes in the area.

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.

Case No. 5617--A. Donald & Barbara M. Williams - East side of Route
5, $\frac{1}{4}$ mile north of Route 299, Lot 2,
within Steele Land Development.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. A. Donald Williams was sworn in and testified, requesting a 1.2' variance from the side yard setback for an accessory structure (garage) under 600 sq. ft. The property being Lot 2, within Steele Land Development. Mr. Williams stated he purchased the property with the garage already on it. The setback requirement is 5' from the side yard. When the property settlement was done the encroachment was missed by the Attorney, according to Mr. Williams.

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. 5618--Earl L. Godwin - South side of Route 322, 2,060 feet
east of Route 321.

A special use exception to place a pond on less than five acres.

The case was presented by Mr. Betts. Earl Godwin was sworn in and testified, requesting to put a 60'x 120' pond on less than five acres. Mr. Godwin stated he will stock the pond with fish and it will be used by family members as well as by himself. He stated the pond will be 6' deep in the center with a 1' to 3' slope. As far as fencing, he stated he will do whatever his Insurance Company advises him to do. He read from a prepared statement. Mr. Godwin also made reference to the sign posted on his property about the hearing, stating it was incorrect. He also raised questions about

the setbacks on his property for a home he wants to put there.

Mr. Betts explained the setbacks he will have to abide by for his home, but that it was not a part of this application.

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. 5619--Rev. Braven O. Duffie - North side of Route 9, .22
mile west of Route One (Five Points).

A special use exception to replace a non-conforming manufactured home and obtain a variance from the corner side yard setback requirement.

The case was presented by Mr. Betts. Rev. Braven Duffie affirmed. Rev. Duffie requested to replace a 10'x 56' non-conforming manufactured home in an MR District with a 28'x 68' double-wide manufactured home. He also requested an 8' variance from the corner side yard setback of 15' to place the new manufactured home on the property. He stated there are other manufactured homes in the area and there are no problems with the neighbors.

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 and variance be granted.

Case No. 5620--Lawrence Bergaman, Jr. - North side of Route 405,
3/4 mile north of Route 406, Lot 29,
within Holiday Estates.

A special use exception to connect two manufactured homes to be used as one single family unit.

The case was presented by Mr. Betts. Lawrence Bergaman, Jr. was sworn in and testified, requesting to connect two manufactured homes together to be used as one single family unit. The property being Lot 29, Holiday Estates.

Theresa Bergaman was sworn in and testified in behalf of the application, stating that their son lives in the manufactured home with his family and needs more space. There will be one kitchen, an A-Roof and vinyl siding all around. The second unit is already on the property.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Callaway and carried unanimously that the special use exception be granted, with the stipulation that the units only have one kitchen, an A-Roof and vinyl siding all around both units.

Case No. 5621--Joseph Gappa - North side of Route 302, 2,300 feet east of Route 48.

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

The case was presented by Mr. Betts. Joseph Gappa was sworn in and testified, requesting to place a 1976, 12'x 70' manufactured home on their property as a second on farm unit. Mr. Gappa lives in the existing unit and his daughter will live in the proposed unit.

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.

OLD BUSINESS

Case No. 5609 (cont'd.)--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 reviewed by Mr. Betts.

After some discussion, motion was made by Mr. Callaway, seconded by Mr. Mills and carried unanimously that the special use exception be granted, finding the use will not adversely affect the surrounding neighborhood.

OTHER BUSINESS

Case No. 5610--James G. Reynolds

Request for a re-hearing.

Mr. Betts stated he had received a letter from Mr. Reynolds requesting that his case be reheard. His request to retain his manufactured home on hardship basis was denied on March 6, 1995 due to his failure to appear at the meeting. His reason for not appearing was due to illness. A letter from the Heather A. Butler, MSN, RN, CCRN, University of Pennsylvania Medical Center, on his behalf was received and also read into the record.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously to rehear Case No. 5610 and the fee be waived, finding his reason for being absent from his public hearing was justifiable.

Case No. 5324--Wyoming Concrete

Request for an extension.

Mr. Fuqua, Attorney for Wyoming Concrete appeared before the Board requesting an extension on Case No. 5324, for their concrete batch plant. He stated that the application was granted for a period of one year. He also stated that federal regulations and weather have contributed to not having the paving on the Route 113 contract completed. He stated that there are only certain periods of time when the concrete can be poured. The project has to be completed by the end of the season. They request a six month extension. Mr. Fuqua stated that through a letter to Mr. Lank, Director of Planning and Zoning requesting a minor change, it was felt he should go to the Board of Adjustment for an extension.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that a six (6) months extension be granted to Case No. 5324.

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

Meeting adjourned at 8:05 P. M.