

Minutes of March 20, 2000

The regular meeting of the Sussex County Board of Adjustment was held Monday evening March 20, 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. McCabe, seconded by Mr. Hudson, and carried unanimously to approve the Revised Agenda as circulated.

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously to approve the Minutes of March 6, 2000 as circulated.

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

Case No. 7100 - Andrew M. Hale and Angela Diamond – south of Route 18, 400 feet south of Road 30.

A variance from the side yard setback requirement.

Mr. Rickard presented the case. Andrew Hale was sworn in and testified requesting a 5 foot variance from the required 15 foot side yard setback requirement for a 24 x 40 storage shed, and that it will be placed at the end of the driveway behind his home.

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

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

Case No. 7101 – Mary Bryan and Susan Hunt – southeast of Road 395, 1,600 feet south of Route 54, Lot 31, within Bay View Estates Subdivision.

A variance from the front yard setback requirement.

Mr. Rickard presented the case. Mary Bryan and Susan Hunt were sworn in and testified requesting a 5 foot variance from the required 30 foot front yard setback requirement for a front porch; that they would like to line up the front porch with the home next door to them; that the lot on the other side of them is vacant; that Bay View Estates only requires a 25 foot front yard setback; that the dwelling meets the setback requirement, but that the front porch encroaches; that the Board has granted variances in the area before; and that the president of the Home Owner's Association has no objection to the variance.

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

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

Case No. 7102 – Thomas M. and Terry L. Atkins – west of Road 334, 200 feet north of Road 407.

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

Mr. Rickard presented the case. Thomas Atkins was sworn in and testified requesting a 2 foot variance from the required 10 foot side yard setback requirement on the east side, a 9 foot variance from the required 10 foot side yard setback requirement on the northwest side, and an 8 foot variance from the required 10 foot rear yard setback requirement for a 700 square foot building; and that the building was already there when he purchased the land.

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

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

Case No. 7103 – Gerard J. and Joyce E. Small – south of Road 351, north side of Hickman Drive, Lot A-3, within White's Creek Manor Subdivision.

A variance from the rear yard setback requirement.

The case has been rescheduled until April 3, 2000.

Case No. 7104 – PNE Media, LLC – west of U.S. Route 13, .3 miles south of Whitesville Road.

A special use exception to replace a billboard and a variance from the side yard setback requirement.

Mr. Rickard presented the case. Elton Ray Beauchamp was sworn in and Fred Lauer, Attorney, was present on behalf of the applicant requesting a 30 foot variance from the required 50 foot side yard setback for a billboard, and testified that the existing billboard was blown down; that they would like to rebuild a new billboard in the same location; that the billboard has been there since the 1950's; that the sign was already there when Mr. Beauchamp bought the property; that Mr. Beauchamp is proposing 4 more identical units, towards the north side of the property; that there is a vacant lot next to them that is unbuildable; that the proposed billboard will meet the height requirement; and that the size of the billboard will be 10x30.

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

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 the replacement of a billboard.
Vote carried 5 – 0.

Case No. 7105 – Donald L. and Carol T. Boebel – north of Road 349, corner of Jackie Drive and Naomi Drive, Lot 30, within Whites Creek Manor Subdivision.

A variance from the front yard setback requirement.

Mr. Rickard presented the case. Donald Boebel was sworn in and testified requesting a 2.3 foot variance from the required 30 foot front yard setback requirement for an addition; that variances have been granted in the Subdivision before; and that the Home Owner's Association and neighbors are in favor to the application.

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 variance be granted. Vote carried 5 – 0.

Case No. 7106 – Walter L. and Betty J. Hall – east of Road 312-A, 340 feet north of Road 312.

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

Mr. Rickard presented the case and read a letter from Dr. Palakar, M.D. Betty Hall and Richard Jack were sworn in and stated that they would like to place a manufactured home on a medical hardship basis for her husband, Walter; that he is 52 years old and has had two strokes that has left him disabled; that they have 3 children that will help take care of Mr. Hall; that Mr. Hall has owned the property all of his life; that they have lived on the property for 16 years in a doublewide which they have remodeled and upgraded to a Class C; that the year of the proposed manufactured home is a 1986; that the size of the manufactured home is 14x70; and that there are other manufactured homes in the area.

Kenneth and Stephanie Nicholson were sworn in opposition to the application stating that they bought property next to Walter and Betty Hall in November; that they did not know of any plans for a medical hardship; and that they would be unhappy to see another manufactured home be placed on the site.

Henry and Ann Buchanan were sworn in opposition to the application stating that before buying their property they checked the zoning and were under the impression that manufactured homes were not allowed in the area.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the special use exception be tabled until April 3, 2000. Vote carried 5 – 0.

Case No. 7107 – Robert and Carol Sutcliffe – east of Route 16, southwest side of A Avenue, Lot 10, within Back Bay Development.

A variance from the side yard setback requirement.

Mr. Rickard presented the case. Robert and Carol Sutcliffe were sworn in and testified requesting a 3.7 foot variance from the required 10 foot side yard setback requirement instead of a 6.5 foot variance from the required 10 foot side yard setback requirement for a staircase; that the staircase was built in 1991; that a survey was done on May 31, 1991 of the property and that is when they found out about the variance problem; that Warfel Construction built the staircase; and that a certificate of compliance was issued to them in August 1991.

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

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

Case No. 7108 – Calvin and Catherine Scott – southeast of Route 24, 610 feet northeast of Road 431-A.

A special use exception from the provisions and requirements to retain a manufactured home on a parcel.

Mr. Rickard presented the case. Catherine Scott was sworn in and Dean Campbell, Attorney, was present on behalf of the applicant stating that Calvin Scott would like to parcel out his land to give to his children; that the sizes of Lot 1 and Lot 3 are 200x250 (1.15 acres); that there are existing manufactured homes on the property; that they have been there since March 25, 1997, but the manufactured home that will be on lot 3 was replaced in 1998; that the manufactured homes originally were on 5 acres or more; that there is adequate septic, water, driveways and landscaping; that it will not change the nature of the area; that it will not effect the surrounding property; and that there are no plans of placing anymore manufactured homes on the farm.

By a show of hands, there were 4 parties in favor of the application.

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

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

Case No. 7109 – Calvin and Catherine Scott – southeast of Route 24, 610 feet northeast of Road 431-A.

A special use exception from the provisions and requirements to retain a manufactured home on a parcel.

Mr. Rickard presented the case. Regina Scott, wife of Robert Scott, was sworn in and questioned the size of Lot 1.

There was a consensus of the Board that the record of this case be incorporated into Case No. 7108.

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

Old Business

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, submitted pictures to the Board that he had taken, and stated that there has been variances granted in that area for second wall signs.

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously that the variance be granted. 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. Lynam McCrea was sworn in and stated that Jacqueline abused the system by renting the manufactured home for 3 years; and that a medical hardship does not exist now since her grandfather passed away.

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

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 and stated that he sent Norman Oates, Planning and Zoning Inspector, to the site; that Inspector Oates requested a survey of the property; and that all violations have been taken care of.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the variance be tabled until Planning and Zoning receives the survey requested from Inspector Oates. Vote carried 5 – 0.

Not realizing that Case No. 7087 was left open from the February 28, 2000 Board of Adjustment meeting and that parties were present to speak Mr. Mills and Mr. McCabe motioned to re-open Case No. 7087.

William Powell, Pauline Powell and Paul J. Lyons were sworn in and stated that they are in opposition to the application with concerns about the 2 lots in question; that there has been a problem with establishing a Home Owner's Association; that 1 other variance has been granted in the Subdivision; that the applicant did everything without approval; and that the access from her driveway is in a dangerous location.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the variance be tabled until Planning and Zoning receives the survey requested from Inspector Oates. Vote carried 5 – 0.

Case No. 7091 – B.B.C. Properties and Mike Zimmerman – east of Route One, 500 feet south of Road 361-A (Jefferson Bridge Road), Parcel B, Lands of Marie Knox.

Mr. Rickard presented the case. Mr. Berl stated that he spoke with Lawrence Lank, Planning and Zoning Director, and that the Planning and Zoning Commission did request that the residential area be excluded from the site plan.

Motion by Mr. Hudson, seconded by Mr. McCabe, and carried unanimously that the variance be denied due to the overwhelming congestion in the area. Vote carried 5 – 0.

Case No. 7093 – D & G Auto Sales and Eugene Mullins, Jr. – west of Route 113, 700 feet south of Road 405.

A variance from the front yard setback requirement for automotive sales display.

Mr. Rickard presented the case and submitted pictures to the Board of the site.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that a variance of 24 foot be granted creating a 1 foot setback instead of a 0 foot setback for automotive sales display. Vote carried 5 – 0.

Additional Business

The Board and Mr. Berl discussed the permit process and problems in mobile home parks.

Meeting Adjourned 9:35 P.M.