

Minutes of April 3, 2000

The regular meeting of the Sussex County Board of Adjustment was held Monday evening April 3, 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. Wheatley, and carried unanimously to approve the Revised Agenda as circulated.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of March 20, 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. 7103 – Gerard J. and Joyce E. Small – south of Road 351, north side of Hickman Drive, Lot A-3, within White's Creek Manor.

A variance from the rear yard setback requirement.

Mr. Oates presented the case. Joyce Small was sworn in and testified requesting a 28 foot variance from the required 40 foot rear yard setback requirement for a garage and a 5 foot variance from the required 40 foot rear yard setback requirement for an attached porch; that the lot is a through lot; and that the Homeowner's Association is in favor of the variances.

Mr. McCabe stated that he visited the site and is in favor of the variances.

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

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

Case No. 7110 – Revere Media Services – east of U.S. Route 113, 1,500 feet north of Road 400.

A special use exception for an off premise sign.

Mr. Oates presented the case. Charles M. Marino was sworn in and testified

requesting to place an off premise sign; that the proposed off premise sign will be used for general advertising purposes; that it will benefit the economy and the community; that it is made out of steel; that there is an existing off premise sign on the property; and that the size of the existing sign is 32 square feet and is 20 foot in height.

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

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the special use exception be tabled until April 17, 2000. Vote carried 5 – 0.

Case No. 7111 – Revere Media Services – east of U.S. Route 13, 200 feet south of Route 24.

A special use exception for an off premise sign and a variance from the side yard setback requirement.

Mr. Oates presented the case. Charles M. Marino was sworn in and testified requesting to place an off premise sign; that the sign will be used for general advertising purposes; that it will benefit the economy and the community; that the sign will be two sided and 300 square feet in size; that the height of the sign will be 25 foot; that the sign will be made of steel; that he needs a 30 foot variance from the required 50 foot side yard setback requirement for an off premise sign; that a tenant lives on the property; that there are trees on the property that he does not want to disturb; and that he submitted a letter to the Board from Robert T. Cary, neighbor, who owns property across the street in favor of the application.

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

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the special use exception and variance be tabled until April 17, 2000. Vote carried 5 – 0.

Case No. 7112 – Royce C. Vanaman – west of Route 54, southwest side of Lincoln Drive, Lot 43, within Cape Windsor Subdivision.

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

Mr. Oates presented the case. Royce C. Vanaman was sworn in and testified requesting a 5 foot variance from the required 10 foot south side yard setback

requirement and a 5 foot variance from the required 20 foot rear yard setback requirement for a dwelling; that a 1976 manufactured home was moved off the property; and that he submitted a letter from Chuck Lampe, President of the Homeowner's Association, in favor of the application.

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

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

Case No. 7113 – Robert A. Jaquette – north of Road 633, 1,400 feet north of Road 634.

A variance from the side yard setback requirement and a variance from the lot width requirement.

Mr. Oates presented the case. Robert A. Jaquette was sworn in and testified requesting a 14 foot variance from the required 15 foot east side yard setback requirement for a garage on Lot 1 and a 14 foot variance from the required 150 foot lot width requirement on Lot 4; that it was his mother's property and that he would like to divide the property between he and his sisters; that the four lots contain over an acre each; and that the State Highway has approved the driveways.

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

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

Case No. 7114 – Frank Robino Builders – north of Route One, intersection of Road 270-A south.

A special use exception to place a manufactured home type structure for a temporary sales office and a variance from the side yard setback requirement.

Mr. Oates presented the case. Frank Robino, III was sworn in and Jim Yori, Attorney, was present on behalf of the applicant stating that the manufactured home type structure is located at the intersection of Route One and Road 270-A, where Webster's Furniture is located; that the structure will be a sales office for a residential planned community that has been approved; that the area will be landscaped; that a sales office was placed there about a year and a half ago for Seabright Village; that the sales office will probably be removed within 6 months and then they will build a model home; that

a 0 foot variance is needed from the required 15 foot south side yard setback requirement; that it will not adversely effect adjacent property owners; and that exhibits were submitted to the Board.

Mr. Rickard stated that he had researched the traffic and parking in the area and did not see any problems.

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 special use exception and variance be granted with the stipulation that the temporary sales office be removed within 1 year. Vote carried 4 – 1 with Mr. Hudson abstaining.

Case No. 7115 – Edna King – south of Road 5, southeast side of Julia’s Lane, Lot 3, within Julia’s Place Subdivision.

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

Mr. Oates presented the case. Edna King was sworn in and stated that the special use exception is not needed and that she is going to add on to her home instead.

Doris Skirts was sworn in and stated that she is in opposition to the application.

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

Case No. 7116 – Harry L. Heck, Jr. – northeast of Coventry Drive, 600 feet northeast of Nassau Drive and 900 feet south of Road 265, Lot 16, within Red Mill Farms Subdivision.

A special use exception to operate a bed and breakfast and a variance from the side yard and rear yard setback requirement.

Mr. Oates presented the case. Mr. Harry L. Heck, Jr. was sworn in and testified requesting to operate a Bed and Breakfast Inn with 3 rooms, a 1.3 foot variance from the required 5 foot north side yard setback requirement for a shed, and a 17.6 foot variance from the required 20 foot rear yard setback requirement for the home; that he purchased the home in September 1996; that he has friends and family that like to come down to the

resort area; that all the buildings are existing and that he will not be adding any new buildings; that in 1978 the community started, and that his home was the first home built in the community.

Kay Imhoff was sworn in and stated that she is in favor of the application; that she works with Mr. Heck and is a friend; and that Mr. Heck has made numerous improvements to his home and property.

By a show of hands 14 parties were in opposition to the application.

Ray Clifton, spokesperson, stated that he has lived in the community for 26 years; that approving the Bed and Breakfast would alter the aspect of the community; that there are concerns with the traffic and outside strangers entering and leaving the community; that there are 60 homes in the community; that he had a petition signed with 76 signatures; that he submitted a letter to the Board, from a neighbor, in opposition to the application; and that they are not in objection to the variances, only the Bed and Breakfast.

Wendy Herman was sworn in and Mary Shrider, Attorney, were present in opposition and submitted deed restrictions to the Board that governs all of the property owners; that the Homeowner's Association has not been active for 10 years; that there are a lot of young children that ride their bikes and people that walk their dogs in the community; that the Bed and Breakfast will disrupt the area; that they do not see a need for a Bed and Breakfast in the area; that the change will effect property values; and that if the Bed and Breakfast were to be approved they would like the Board to grant stipulations such as no signs shall be allowed, no on-street parking, minimal lighting, the number of guests per room, the length of the stay of a guest; no food to be prepared on the premises, and no pool activity after 10 P.M.

Diane Leech was sworn in and stated that she is in opposition to the application.

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

Case No. 7117 – Bruce and Carol Jenkins – north of Road 589, 1,150 feet west of Road 589-A.

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

Mr. Oates presented the case and read a letter from Loretta Edmundson, M.D. Bruce and Carol Jenkins were sworn in and stated that they need to take care of their elderly Aunt; that the size of the manufactured home is a 16 x 44; and that it will have the same color siding and shingles as their 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 special use exception be granted for a period of 2 years. Vote carried 5 – 0.

Case No. 7118 – Bernard Miller – west of Route One, south of Road 38 and southwest side of Sylvan Drive, Lot 54, within Sylvan Acres Subdivision.

A variance from the side yard setback requirement.

Mr. Oates presented the case. Bernard Miller was sworn in and testified that the north side of his home is in violation, therefore, he is requesting an 8 foot variance from the required 15 foot side yard setback requirement; that in 1992 his home was constructed; that a certificate of compliance was issued to him in November 1992; that in 1997 he learned of the problem; that the builder moved to Arizona; that his home does not cause a negative effect on adjacent property owners; that he owns the lot next to him; that he had a problem with a drain field that was partially over his property line; and that he has spent over \$24,000.00 to fix the problems.

Stacy Whitney was sworn in and stated that she is in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the variance be granted because the hardship was not created by the applicant and that other variances have been granted in that area. 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 stated to the Board that a survey had been received from Coast Survey to verify where the garage was placed on her property; that the filing fee was waived because a certificate of compliance was issued to her from Planning and Zoning.

Mr. Berl stated to the Board that they needed to make a decision on this case for the home and wait to discuss the garage when the Board of Adjustment hearing case is heard on May 1, 2000.

Motion by Mr. Hudson, seconded by Mr. McCabe, 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. Callaway stated that he visited the area and counted 7 manufactured homes in the area; that the manufactured homes were there before the new homes were placed; and that the special use exception would not substantially effect the surrounding area.

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously that the special use exception be granted for a period of 2 years. Vote carried 5 – 0.

Additional Business

Mr. Rickard read a letter from Donald T. Collins, dated March 25, 200 asking for a 1 year extension for Case # 6790 – Jacqueline F. Porter & Marilyn P. Woolfolk - a variance from the side yard setback requirement stating that the variance was granted in 1999; that due to misunderstanding between the parties involved the construction was delayed; and that construction is now ready to begin.

Meeting Adjourned 8:45 P.M.