

Minutes of April 17, 2000

The regular meeting of the Sussex County Board of Adjustment was held Monday evening April 17, 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, and Ms. Jackson – Recording Secretary.

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously to approve the Revised Agenda as circulated.

Motion by Mr. Wheatley, seconded by Mr. Mills, and carried unanimously to approve the Minutes of April 3, 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. 7119 – Robert E. Wisotzkey – northwest of Road 270-A, 300 feet northeast of Route One, Unit 601, within Seabright Village Condo.

A variance from the separation requirement between multi-family structures.

Mr. Rickard presented the case. Robert E. Wisotzkey was sworn in and testified requesting an 11 foot variance from the required 40 foot separation requirement between multi-family structures for an 11 x 14 screen porch on existing 10 x 12 cement pad; that he would like to place another 11 x 12 pad also; and that Mary H. Byers, President of the Seabright Village Condominium Homeowner's Association, approves the requested variance.

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. 7120 – Elmer T. Gove – south of Road 288-A, east side of Pinewood Drive, Lot 1, Block H, within Lochwood Subdivision.

A variance from the front yard setback requirement.

Mr. Rickard presented the case and stated to the Board that a Building Permit was issued to the applicant with the incorrect setbacks, not specifying that it is a corner lot; that Blackwood Drive is considered the front of the property, which is not built yet; and

that Pinewood Drive is considered the corner side of the property.

Denise Moore was sworn in on behalf of the applicant and testified requesting a 15 foot variance from the required 30 foot front yard setback on Blackwood Drive; that the home was built in 1998; and that she submitted a letter from the Homeowner's Association approving the variance requested.

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. 7121 – Ricky and Karen Ashley – south of Road 472, 3,400 feet east of Road 432, Lot 17.

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

Mr. Rickard presented the case and read a letter from Marguerite H. Collins, M.D. Ricky and Karen Ashley were sworn in and testified requesting to place a manufactured home on their property as a medical hardship for Mr. Ashley's mother, Bernice Ashley; that the size of the manufactured home is a 12 x 70; and that the year of the manufactured home is a 1975.

By a show of hands 1 party was in favor of the application.

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

Case No. 7122 – Clara McNichol – southwest of Road 263, north side of Private Road, Lot B-11, within Donovan Smith Mobile Home Park.

A variance from the separation requirement between units in a mobile home park.

Mr. Rickard presented the case. Clara McNichol was sworn in and testified requesting a 6 foot variance from the neighbors shed and a 4 foot variance from the required 20 foot separation requirement between units in a mobile home park; that the size of the existing manufactured home was a 12 x 57; that the existing manufactured home has been there since before 1970; that the size of the new manufactured home will be 14 x 66; and that the year of the new manufactured home is a 1990.

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

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

Case No. 7123 – Charles and Sandra Lyons – west of Road 342-A, one mile north of Road 342, Lot 4 and 5, within Indian River Acres.

A variance from the side yard setback requirement.

Mr. Rickard presented the case. Charles and Sandra Lyons were sworn in and testified requesting a 9 foot variance from the required 15 foot side yard setback requirement for a 16 x 24 detached garage; that their property was flooded a few years ago; that they would like to place the garage closer to their neighbors property line because the land is higher; and that they submitted pictures to the Board.

Mr. Rickard reminded Charles and Sandra Lyons that if they are in a flood zone, they would still have to comply when they build the garage.

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. 7124 – Gumboro Fellowship Church – east of Route 26, 2,400 feet north of Route 54.

A special use exception for a child care center.

Mr. Rickard presented the case. Melanie Steele was sworn in and stated that they would like to use part of the Church for a child care center; that the hours of the center would be from 7:00 A.M. to 6:00 P.M., Monday thru Friday; that the ages of the children will be 6 weeks to 5 years old; and that there will be a fenced in play area for the children.

By a show of hands 1 party was in favor of the application.

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

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

Case No. 7125 – Rehoboth Mall Limited Partnership – west of Route One, 752 feet south of Route 24, West Rehoboth Mall.

A special use exception for additional off-street parking in an AR-1 District.

Mr. Rickard presented the case. Glenn Weinberg and Tunnie Ping were sworn in and John A. Sergovic, Jr., Attorney, was present on behalf of the applicant's, stating that they would like to increase parking spaces at the Rehoboth Mall to make use of existing building improvements to be in compliance with the Sussex County Ordinance No. 1328 (the "Big Box" Ordinance of 1999), which are currently excluded from its gross leasable space; that they need 2 more acres to be able to utilize the existing buildings for parking; that 212 parking spaces are proposed; that the size of the parking spaces will be 10 x 20; that a Wal-Mart is proposed to be located in that area; that Roses will be leaving and that the Eckerd store will be relocated at the other end of the building; that employees will be using the rear of the building for parking; that a garden shop will be placed in front of the building and will be fenced in; that there are lease stipulations stating that everything has to be stored inside the building, not in the parking lot; that landscaping will be added; that the surrounding areas are gradually being developed; that there is no significant adverse impact on adjacent property owners; that they are working with Planning and Zoning to get the site plans approved; and that R R Bayside and Seaside, Case No. 6590, a similar special use exception was approved in the area.

Robert Hood, land owner, was sworn in and stated that he is in favor of the application; that he has a family home near the property; that the proposed use will benefit the area; and that he has concerns with the Storm Water Management System since his family will be leasing the land.

Mr. Rickard read a letter from Citizens Coalition, Inc., dated April 17, 2000, in opposition 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 special use exception be granted with the stipulations that all employees are to use the rear of the building for parking and that the parking area is to be used for parking, not storage. 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. Mills and Mr. Callaway stated that they had visited the site; that they see no need for additional billboards to be placed in the area; that there are sufficient enough billboards in the area; and that there have been recent requests for billboards turned down in the area.

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

Case No. 7111 – Revere Media Services – east of U.S. Route 113, 200 feet south of Route 24.

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

There was a consensus of the Board that the record of this case be incorporated into Case No. 7110.

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

Meeting Adjourned 8:00 P.M.