

Minutes of April 19, 1993

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, April 19, 1993 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. Wheatley, Mrs. Hudson, Mr. Mills, Mr. Callaway, Mr. Jones-Attorney and Mr. Betts-Zoning Inspector III.

Motion was made by Mr. Wheatley, seconded by Mr. Callaway and carried unanimously that the minutes of April 5, 1993 be approved as circulated.

Case No. 5045--Alex & Tina Navarrette - 315 feet south of Route 381-A, 1,360 feet east of Route 382.

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. Tina Navarrette was sworn in and testified, requesting to place a 1986, 14'x 70' manufactured home on her property for her permanent residence. She testified that there are two other manufactured homes in the immediate area.

Sakone Siphavahn was sworn in and testified in opposition to a single-wide manufactured home being placed in the area. Mr. Siphavahn is a property owner in the area. He testified a double-wide manufactured home would be ok.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be taken under advisement.

The applicant questioned why Mr. Siphavahn is opposed to a single-wide manufactured home going on the property.

Mr. Siphavahn lives in a modular home.

Motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously to make the additional testimony a part of the record.

At the conclusion of the public hearing, the Chairman referred back to this case. After some discussion, motion was made by Mrs. Hudson, seconded by Mr. Callaway and carried unanimously that the case be tabled.

Case No. 5046--Gilbert & Lorene Kandler - West side of Route 13A, at the intersection of Route 545, Lot 7, within Bridgeville Manor.

A variance from the rear yard setback requirement.

The case was presented by Mr. Betts. Gilbert and Lorene Kandler were sworn in and testified, requesting an 11'2" variance from the 20' rear yard property line setback requirement on Lot 7, Bridgeville Manor. The applicants propose to convert their garage into a room and add a 10'x 10' bathroom/utility room. The converted garage will be for their mother who is unable, physically, to go upstairs in the existing house. The garage will have no kitchen facilities.

There were no parties present in opposition.

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

Case No. 5047--John & Gerry Radick - Southwest side of Route 279,
1.2 miles south of Route 277.

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. John Radick was sworn in and testified and was represented by Ned Maull, Attorney. The applicants propose to place a double-wide manufactured home on their property for their residence. There is an existing dwelling on the property that is not habitable and will be removed or made into a garage. Mr. Maull stated that West Bay Mobile Home Park is across the road from the Radick's property and that the area is dense with manufactured homes. Pictures were presented. They feel the double-wide manufactured home will be an improvement to the property.

Mr. Radick stated that he feels the existing house will have to be removed and not used as a garage.

Frances M. Clifton and Edward S. Clifton were sworn in and testified, asking to see the pictures that were presented by the applicants. Mr. & Mrs. Clifton stated that they are opposed to a single-wide manufactured home, but would not oppose a double-wide manufactured home, since there are stick-built homes in the area.

It was stated that the applicants want a double-wide manufactured home and will destroy the existing house.

Motion was made by Mrs. Hudson, seconded by Mr. Callaway and carried unanimously that the special use exception be granted for a double-wide manufactured home and the existing structure be removed.

Case No. 5048--Ken Hofstetter - East side of Route 297A, $\frac{1}{4}$ mile
north of Route 297, within Oak Orchard.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Ken Hofstetter was sworn in and testified, requesting a 9' variance from one side yard setback requirement of 10' and a 1' variance from the other side yard setback requirement, for an addition. The property is located in Oak Orchard.

The addition will be no closer to the property lines than the existing dwelling.

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. 5049--William F. & Elsie & Gary Ciriacy - East side of Route 17, 1,630 feet south of Route 365.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Gary Ciriacy was sworn in and testified, requesting a 16'6" variance from the 40' front yard setback requirement to be 23'6". The applicants propose to extend their living room and eat-in kitchen. The addition will not be as close to the property line as the existing house. The adjacent property is owned by the parents. A letter from a neighbor was presented.

Mr. Betts read the letter presented into the record from Wayne & Wanda Weber, voicing no objections.

There were no parties present in opposition.

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

Case No. 5050--Pete Townsend - East side of Route One, $\frac{1}{4}$ mile south of Route 283.

A variance from the requirements for signs.

The case was presented by Mr. Betts. Pete Townsend and Bart Phillips were sworn in and testified, requesting a variance from the requirements for signs. Mr. Townsend had requested a variance of 299.34 square feet from the requirement of a wall sign to have (3) in a C-1 General Commercial District. Mr. Townsend asked to change the variance to 419.34 square feet to permit a 120 square foot variance for reader board. The applicant feels the sign change will create a better appearance for his business and provide safety by having the sign on the wall. The elevation on the north and south sides is 60 square feet each.

Mr. Betts stated that the additional variance could be included in this hearing according to the Zoning Code.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the variance for 419.34 square feet be granted and the free standing sign be removed.

Case No. 5051--James & Sharon Ash - South side of Route 358, Lot 6, within Holly Ridge Terrace.

A variance from the front yard and the side yard setback requirements.

The case was presented by Mr. Betts. John Cordrey, Attorney, was present representing James & Sharon Ash who requested a 2' variance from the 30' front yard setback requirement, and a 1.2' variance from the 10' side yard setback requirement for their dwelling. They also requested a 3.8' variance from the side yard setback of 5' for a shed. Mr. Cordrey stated that the structures existed when the applicants purchased the property. When settlement took place the encroachments were discovered.

There were no parties present in opposition.

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

Case No. 5052--Bridgeville Plaza Corp. - East side of Route 13,
700 feet south of Route 404 (18).

A special use exception to place a manufactured home type structure to be used for a business.

The case was presented by Mr. Betts. John Scott, President of Bridgeville Plaza Corp., was sworn in and testified in behalf of the application. The applicants requested to continue the use of a manufactured home type structure for business. The Board granted a special use exception for the manufactured home type structure to be used for a Tourist Information Center for a period of two years. Mr. Scott stated that more time is needed, because of time consumed getting legislature approval for money and Bridgeville sewer extended to the property. They expect to be in operation in six months. Mr. Scott testified that the center is operated by State Chamber of Commerce for Del. D.O.T. He stated it will be a one story, 2500 sq. ft. building with restrooms. He stated it has taken 3 years to get necessary legislature

There were no parties present in opposition.

Motion was made by Mr. Wheatley, seconded by Mr. Mills and carried unanimously that the special use exception be granted for a period of five (5) years.

Case No. 5053--Ronald Chisholm - East side of a private road on the southeast side of Route 264, 2,400 feet southwest of Route One.

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. Ronald Chisholm was sworn in and testified, requesting to place a 1989, 14'x 80' manufactured home on his property for his permanent residence. He proposes to build a home in 4 to 5 years. He stated that there are no other manufactured homes located in the area. He also testified that no one has expressed any opposition.

There were no parties present in opposition.

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

Case No. 5054--Donald E. Coulbourn - East side of Route 549, on the south side of the intersection with Route 548.

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. Donald Coulbourn was sworn in and testified to place a manufactured home on his property for his son. He stated that the property will be deeded to his son if approval is granted, and it will consist of at least one acre. He testified that there are no other manufactured homes in the immediate area. Mr. Coulbourn stated that his son does not have the manufactured home as yet, but that it will probably be a single-wide unit.

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 with the stipulation that the property to be deeded to Mr. Coulbourn's son be a minimum of one (1) acre.

Case No. 5055--Woodrow & Alice Miller - East side of Route 274, 800 feet south of Route One, Lot 6, within Pine Valley Park.

A variance from the setback requirement between units in a park.

The case was presented by Mr. Betts. Woodrow & Alice Miller were sworn in and testified, requesting a 5' variance from the 20' setback requirement between units in a manufactured home park, being Lot 6, Pine Valley Park. The applicants request a variance to be able to replace a manufactured home with a new 14'x 60' manufactured home, which is larger than the existing unit. The lot size is 31'x 87' and therefore, a variance is needed. A letter from John Secord, Jr., President of Pine Valley Manufactured Home Cooperative, Inc. was presented.

Mr. Betts read the letter presented into the record voicing no objections.

John R. Secord, Jr. was sworn in and testified in behalf of the variance. He testified that it has been the Pine Valley Manufactured Home Cooperative, Inc. desire to upgrade manufactured homes in the park. He testified that he feels the lot is sufficient for what the applicants request.

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. 5056--Thomas H. & Karla B. Draper - West side of "Private Way" a private road south of dead end of Route 273A (Bald Eagle Road), Lot 3, within Bay Vista Island.

A variance from the definition of a "Guest House" to permit kitchen facilities.

The case was presented by Mr. Betts. Thomas Draper was sworn in and testified, requesting a variance of a "Guest House" from the definition, to permit kitchen facilities. Mr. Draper stated he built a 3 car garage with a 1500 square foot apartment (guest house) on his property being Lot 3, Bay Vista Islands. The garage/apartment was used for living purposes prior to Mr. Draper's home being built. The home now completed for occupancy, Mr. Draper wants to keep the apartment with kitchen facilities (stove) for members of his family to stay in. He stated there would be no renting the apartment. He also testified that he owns all the surrounding property. The Zoning Code does not provide for two dwellings to be located on the same property and a guest house cannot have cooking facilities. He requests a variance to have the apartment remain as it is.

Mr. Jones, Attorney, explained to Mr. Draper that the Board can grant area variances, but cannot grant use variances, such as he has requested. It would be illegal for the Board to grant a variance and would violate the Delaware Code if acted on. Mr. Jones requested time to research the reason Mr. Draper was allowed to apply to the Board for his particular request.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mr. Wheatley and carried unanimously that the case be tabled to give Mr. Jones time to research the case.

OLD BUSINESS

Case No. 5043 (cont'd.)--Allen's Auto Sales - Southwest side of Route One, 436 feet northwest of Route 276.

A variance from the exclusion of a roof sign.

Mr. Betts reviewed the case.

Mr. Jones explained that the request is for a use variance, which the Board does not have the power to grant.

After some discussion, motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the variance be denied, finding the variance request does not come under their jurisdiction.

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

Meeting adjourned at 8:17 P. M.