

Minutes of April 20, 1992

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, April 20, 1992 in the County Council Conference Room, Courthouse, Georgetown, Delaware.

The meeting was called to order at 7:00 P. M. with Chairman McCabe presiding. The members present were: Mr. McCabe, Mrs. Hudson, Mr. Carey, Mr. Wheatley, Mr. Jones-Attorney and Mr. Betts-Chief Zoning Inspector.

Motion was made by Mr. Carey, seconded by Mr. Wheatley and carried unanimously that the minutes of April 6, 1992 be approved as circulated.

Case No. 4687--John C. Jones - North side of Route 227, 637 feet northeast of Route 216.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

There were no parties present representing this case. Since there were interested parties present the hearing was held.

The case was presented by Mr. Betts. The applicant requested to place a manufactured home in an AR-1 District on less than 5 acres for his residence. According to the application Mr. Jones is under sales contract to purchase the property.

Jeffrey William Hague, who owns property approximately 500' from the site was sworn in and testified in opposition to a manufactured home being placed on the property and strip development. He stated that the area is primary housing, that the manufactured home would not be in the best interest to the area and he made reference to the Western Land Use Plan adopted by the County. Mr. Hague stated that the existing manufactured home in the area has been there a long time. Other manufactured homes have been replaced by conventional homes.

Gary Ingram was sworn in and testified in opposition stating if the manufactured home is approved it could start a chain reaction where more manufactured homes could come into the area, since there is a lot of open land.

There were no parties present who spoke in favor of the request.

Motion was made by Mr. Wheatley, seconded by Mr. Carey and carried unanimously that the case be taken under advisement until the end of the meeting to give the applicant time to appear.

At the conclusion of the public hearings the Chairman referred back to this case. There were still no parties present to represent the application. After some discussion, motion was made by Mr. Carey, seconded by Mrs. Hudson and carried unanimously that the

special use exception be denied, finding the applicant failed to appear and present his case and the opposition presented was strong enough to deny the request.

Case No. 4688--Thomas & Barbara Wells - East side of Route 530,  
Meadow Road, across from Oak Road.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Thomas, Jr. & Barbara Wells were sworn in and testified, requesting a 7' variance from the side property line setback of 15' to build a 33'x 17' addition to their home. The existing home is only 8' from the side yard now. The existing home was built in 1966. Mr. Wells wants to keep the addition in line with the home. The addition has not been started yet. The applicant testified that he has a building on the property that he will connect to the home and complete it by adding the addition to line it up with the home. The addition will make it more uniform and neater according to Mr. Wells. The applicants testified that it will have an A-Roof.

Mr. Betts read a letter into the record from a neighbor, Paul Redrichson in favor, referencing this case.

Donald Martin, Joy Wellman, Edward Saroka, Paul Doudt and Roy Fisher were sworn in and testified in opposition, citing septic, being detrimental to property values, too costly for the applicant to build, no other variances in the area, starting a trend, type of construction, unattractiveness, concern the applicant will not complete it and detrimental to property sales of parcels of property in the area. Pictures were presented.

Mr. Wells stated he plans to do the work himself and hopes to complete it within 1½ years. He feels he will not degrade the area. The addition will be for an extra bedroom.

Mr. Martin questioned the applicant's credibility and Mr. Saroka suggested that if they approve the variance, have Mr. Wells submit specification plans and what he is going to do.

Mr. Jones, Attorney, stated that the Board cannot demand plans, but can put conditions on the requested variance if they approve it.

There were 11 people present in opposition.

Motion was made by Mr. Carey, 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 Mrs. Hudson, seconded by Mr. Wheatley and carried unanimously that the variance be denied, finding the property is large enough to construct an addition and meet the setbacks and Mr. Wells created his own hardship.

Case No. 4689--Michael & Tammie Betts - North side of Route 471,  
360 feet west of Route 432.

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. Michael & Tammie Betts were sworn in and testified, requesting to keep their manufactured home on property they are purchasing. The property is being subdivided to a parcel less than five acres and Board approval is needed to keep it on the property. The applicants propose to construct a home on the property in the future. There is a manufactured home currently located on either side of the property. The manufactured home is a 1987, 14'x 60' unit.

There were no parties present in opposition.

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

Case No. 4690--Russell A. Ward - South side of Route 54, 850 feet  
northwest of Route 512.

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

The case was presented by Mr. Betts. Russell & Edna Ward were sworn in and testified, requesting to use a manufactured home for a business. The applicants presently have the manufactured home on the property. It was placed without approval due to a misunderstanding with D.N.R.E.C. There is no water or septic (no plumbing) in the manufactured home. Mrs. Ward stated that she has a hobby collecting dolls and she has put them in the manufactured home. People can visit and see her doll collection.

There were no parties present in opposition.

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

Case No. 4691--Hilda H. Purnell - South side of Route 92,  $\frac{1}{4}$  mile  
south of Frankford Town Limits.

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

The case was presented by Mr. Betts. Hilda Purnell, Wanda Corby, daughter and Ingrid Ellerbee, with Legal Aid, were sworn in and testified. Mrs. Purnell requested to continue the use of her manufactured home on her property on basis of hardship. Her daughter lives on the property in a manufactured home and in 1987 Mrs. Purnell was granted permission to place a second manufactured home on her property on medical hardship basis for her to live in, Case No. 3515. She testified she needed care and her daughter to look after her and drive her places. She stated that the conditions are the same and she wishes to keep her manufactured home on the property. A letter from her doctor referencing her medical condition

was received. Mrs. Purnell stated when prompted by Ms. Ellerbee, that she does not stay in the manufactured home all of the time. She visits her children and she has also let someone else live in the manufactured home.

Edna Soloman was sworn in and testified in opposition stating she opposed the use in 1987 also. She testified that Mrs. Purnell does not live in the manufactured home, that she drives a car and when the manufactured home was used by someone else, there was always problems. She testified that Mrs. Purnell has never lived in the manufactured home and presently has a home in Selbyville where she lives.

Mary E. Moore, Wabash Moore, George Beckett and Vivian Beckett were sworn in and testified in opposition, confirming Mrs. Soloman's testimony. They are concerned about who will live in the manufactured home, that there is no septic and water and there has never been any. Pictures were presented.

Mrs. Purnell stated she has a home in Selbyville, but stays in the manufactured home when she feels like it, but won't stay in it alone.

Wanda Corby, daughter, stated she has to give her mother insulin shots. A sister lives with Mrs. Purnell in the home in Selbyville.

Motion was made by Mr. Carey, seconded by Mr. Wheatley and carried unanimously that the special use exception be denied, finding that Mrs. Purnell has shown no need for the manufactured home for her disability and she has a home in Selbyville.

Case No. 4692--James P. & Mary B. Pantazis - Southeast side of Route 271, 3,500 feet northeast of Route One, Lot 13, within Henlopen Keys.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. James & Mary Pantazis were sworn in and testified, requesting a 4' variance from the 30' front yard setback requirement of 30' to be 26', to build a small porch on the front of their dwelling. The property being Lot 13, Henlopen Keys.

There were no parties present in opposition.

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

Case No. 4693--Ben & Fannie Mullett - West side of Route 594, 1,000 feet south of Route 224.

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

The case was presented by Mr. Betts. Ben & Ernest Mullett were sworn in and testified, The applicants requested to place a third manufactured home on farm for an invalid son to live in. The

manufactured home will be 12'x 65' in size. Family members reside in the two existing manufactured homes. The property is farmed and has chicken houses on it. There are other manufactured homes in the area.

There were no parties present in opposition.

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

Case No. 4694--Cindy C. Hollingsworth - West side of Route 610,  
3/4 mile south of Route 16.

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. Cindy C. Hollingsworth was sworn in and testified, requesting to place a manufactured home on property she is purchasing for her permanent residence. She has not purchased the manufactured home yet, but it will be at least 12'x 65' in size. She hopes to build a home on the property in the future.

There were no parties present in opposition.

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

Case No. 4695--Robert Harris, Jr. & Joseph M. Zdurienik - West side  
of Route One, 3 miles south of the Town of  
South Bethany, Lot 1, within Maisons Sur-  
Mer Subdivision.

There were no parties present in behalf of this case.

Motion was made by Mrs. Hudson, seconded by Mr. Carey and carried unanimously that the case be taken under advisement to give the applicant time to appear.

At the conclusion of the public hearings, the Chairman referred back to this case. There were no parties present to represent this case and there were no interested parties present. Motion was made by Mrs. Hudson, seconded by Mr. Carey and carried unanimously that the case be tabled.

Case No. 4696--Virgle E. & Mildred E. Banks - Northeast side of Route  
298, 500 feet east of Route 24.

A variance from the front yard, the side yard, and the rear yard setback requirements and a variance from the minimum lot size requirement.

The case was presented by Mr. Betts. Virgle & Mildred Banks were sworn in and testified, requesting a 4'6" variance from the 30' front yard setback requirement for a manufactured home, a 4'7" variance from the side yard setback requirement of 5' for a shed, a

5'4" variance from the side yard setback requirement of 10' for a manufactured home and a 5" variance from the 20' rear yard setback requirement for a manufactured home. The applicants have a parcel of land with two manufactured homes existing on the property for many years. They propose to subdivide the property into two lots, each with a manufactured home, so the applicants can purchase the property rather than lease it. They are also requesting a variance of 16,173 sq. ft. from the 21,280 sq. ft. to be 5107 sq.ft. for one lot and 5653 sq. ft. for the other lot. The property has been leased for over 30 years.

Mr. Betts, Zoning Inspector, stated that he listed the greatest variances needed on the lots and referenced the survey that had been presented.

Paul Kercher was sworn in and testified stating his concern about the wells and septic systems on the property and the older manufactured homes on the property now. Feels will devalue property. Prefers the property remain as one parcel.

Paul Kercher, II was sworn in and testified questioning the setbacks between structures.

There were six (6) people present in opposition.

Motion was made by Mr. Wheatley, seconded by Mr. Carey 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 Mrs. Hudson, seconded by Mr. Wheatley and carried unanimously that the variances be denied, finding that the property can be sold as one parcel, smaller lots would be out of character in the area and the applicants have not met the legal requirements for the granting of a variance.

Case No. 4697--Virginia Matthews - West side of Route 413, 400 feet north of Route 54.

A special use exception to place a manufactured home in an AR-1 District on less than five acres on an emergency basis.

The case was presented by Mr. Betts. Virginia Matthews and Edward Knock were sworn in and testified, requesting to place a 1974, 12'x 65' manufactured home in a C-1 General Commercial District on emergency hardship basis. Mr. Knock, nephew, testified that the existing home the applicant lives in is in very bad shape. Pictures had been presented. He gave testimony to the condition of the house. He testified that his aunt is 86 years old and her husband is bed-ridden.

There were no parties present in opposition.

Motion was made by Mr. Carey, seconded by Mrs. Hudson and carried unanimously that the special use exception be granted on emergency hardship basis for a period of two (2) years.

Case No. 4698--Bodies Diary Market, Inc. - West side of Route 13,  
 $\frac{1}{4}$  mile south of Route 466, part of Lots  
10, 11, and 12, within Lakeside Manor.

A variance from the front yard and the side yard setback requirements and a variance from the requirements for signs.

The case was presented by Mr. Betts. Richard Bodenweiser and John Selby were sworn in and testified, requesting an 8'6" variance from the 25' height requirement for a sign, a 28' variance from the front property line of 40' and a 4'10" variance from the side property line of 5'. Mr. Selby, agent an contractor for the sign on the canopy, stated the applicant proposes a new gasoline canopy with sign to advertise his business. They feel it will be safer to consolidate the canopy and sign into one. They feel it will not be out of character with the area. Mr. Bodenweiser wants the sign to stand out to be seen further down the road.

There were no parties present in opposition.

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

#### OLD BUSINESS

Case No. 4675 (cont'd.)--R. A. Bunting & Co. - East side of Route One,  $\frac{1}{2}$  mile north of Bethany Beach, Lot 30, within Ocean Ridge.

A variance from the maximum height requirement.

Motion was made by Mr. Carey that the case be tabled. The motion died for lack of a second.

Motion was made by Mr. Wheatley, seconded by Mrs. Hudson and carried unanimously that the variance be granted, finding the lot difficult to do anything with, will not be out of character with the neighborhood and access to the lot would be difficult.

Meeting adjourned at 9:14 P. M.