

## Minutes of May 1, 2000

The regular meeting of the Sussex County Board of Adjustment was held Monday evening May 1, 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 April 17, 2000 as circulated.

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

Case No. 7126 – Madeline L. Wilson – northeast of Route One, 1 miles south of Route 36.

A variance from the square footage requirement for a lot and a variance from the lot width requirement.

Mr. Oates presented the case and read a letter from David Rutt, dated April 10, 2000 withdrawing the application.

Case No. 7127 – Edward A. Montague – southeast corner of U.S. Route 13 and Route 24.

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

Mr. Oates presented the case. Edward Montague was sworn in and testified requesting a 0-foot setback for automotive sales display; that 95% of the other business's in the area are displaying vehicles at zero setback and have had hearings; that he has a 10 year lease with the option to lease for another 10 years; that the state has showed him the right of way; and that the property line runs along the curbing.

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. 7128 – Lewes Office Machines and Charles Higgins – southwest of Route One, intersection of South Street.

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

Mr. Oates presented the case. Charles Higgins was sworn in and stated that the home he rented for his business had a fire in October 99; that the owner is not sure if he will rebuild the home; that he would like to place the manufactured home type structure next to the home for his business; that the year of the manufacture home is a 1989; that the size is 14' x 48'; and that if the owner does rebuild the home, he would like to use the manufactured home type structure for storage.

Mr. Rickard stated to the applicant, that if he decides to use the structure for storage that he would have to apply for another Board hearing.

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 May 15, 2000. Vote carried 5 – 0.

Case No. 7129 – Brenda E. Johnson – east of Road 510, 550 feet north of Road 503.

A special use exception to connect two manufactured homes to make one unit and a special use exception to operate a day care facility.

Mr. Oates presented the case. Brenda E. Johnson was sworn in and stated that the existing manufactured home has been there since 1986; that the size of the existing manufactured home is 14' x 70'; that the existing unit is a 1983 model; that the year of the manufactured home she wants to connect to her existing home is a 1981; that the unit is 14' x 70' with a 14' x 20' addition; that she would also like to operate a day care; that she cares for 6 children at the present time; and that she plans to paint both of the homes the same color.

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 exceptions be granted for a maximum of 12 children and with the following stipulations:

1. The manufactured home shall be enclosed with a block foundation.
2. An A-Roof shall be installed.
3. There shall only be one (1) kitchen.

Vote carried 5 – 0.

Case No. 7130 – Christine Lacy and Patricia Scerati – southwest of Route One, southwest side of Golden Ave., Lot L-49, within Sea Air Village Mobile Home Park.

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

No one appeared on behalf of the application, therefore there was no representation of support.

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

Case No. 7131 – Pearl Pringle – south of Road 266, east of Kansas Court, Lot 24, within Sand Dunes Village.

A variance from the side yard setback requirement for a corner lot.

Mr. Oates presented the case. Pearl Pringle was sworn in and Daniel Myers, Attorney, was present on behalf of the applicant and testified requesting a 3-foot variance from the required 15-foot corner side yard setback; that Coast Survey staked the lot incorrectly; that the garage was moved after Coast Survey staked the lot; that the garage has a foundation and slab; that Pearl Pringle spent \$15,000.00 to have the garage moved from her other lot; that the contractor and mover for the garage went by the survey stakes; that Mrs. Pringle had her lot re-surveyed and realized that Coast Survey had made a mistake; and that there are trees on her property line that have been there since 1974, which do not obstruct anyone's view.

Mr. Rickard stated that Mr. Oates, Planning and Zoning Inspector, visited the site to look at the trees and saw no problems with the view.

Yvonne Moore was sworn in and stated that she has worked for Coast Survey for 11 years; and that she called Planning and Zoning for the setbacks and was told the incorrect setbacks.

Mike Tique was sworn in and stated that he is a neighbor of the applicant; and that approving the variance would not effect neighboring properties.

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 variance be granted. Vote carried 5 – 0.

Case No. 7132 – Marvelle Walker – north of Road 524, 2,100 feet east of Road 516.

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

No one appeared on behalf of the application, therefore there was no representation of support.

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

Case No. 7133 – Vivian L. Sink – northeast of Route 20, (Concord Road), ¼ mile west of Road 484.

A variance from the lot width requirement.

Mr. Oates presented the case. Vivian L. Sink was sworn in and testified requesting a 42-foot variance from the required 150-foot lot width requirement and an 8-foot variance from the required 150-foot lot width requirement; that 1 lot contains an existing dwelling and shed; that the other lot is vacant; that she is giving her daughter the vacant lot; that they are going to share a driveway; that the existing dwelling and shed will meet the 15-foot side yard setback requirement when the new property line is created; that she surveyed the frontage of the property herself; and that she comes up with 250-foot road frontage, but the tax map says 227-foot road frontage.

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 to be tabled and left open until the applicant provides a survey of her property showing the correct road frontage. Vote carried 5 – 0.

Case No. 7134 – Johnny C. Barnes – north of Road 42, 1,200 feet west of Road 609.

A variance from the front yard setback requirement.

Mr. Oates presented the case. Johnny C. Barnes was sworn in and Barbara O’Leary, Attorney, present on behalf of the applicant, and testified requesting a 2.8-foot variance from the required 40-foot front yard setback requirement for a dwelling; that the home was built in the late 1970’s or early 1980’s; that he bought the property in February 2000; and that he has moved the accessory buildings to comply with the current setback requirements.

Anna L. Patterson was sworn in and testified that she is in favor of the application; and that they discovered the violation problem when they went to settlement.

The Board found that no parties were 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. 7135 – Andrew Bellamah – west of Route 14, north of Wilson Walk, Lot 111, 112, and 113, within Bayview Park Subdivision.

A variance from the side yard setback requirement.

Mr. Oates presented the case. John Binnis, Contractor, was sworn in on behalf of the applicant and testified requesting a 4-foot variance from the required 10-foot side yard setback requirement for a deck; that the variance problem was a mistake made by him; and that the Homeowner’s Association is in favor of the application.

Mr. Rickard stated that there has been variances granted in that area before.

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 variance be granted. Vote carried 5 – 0.

Case No. 7136 – Glenn A. Jones – south of Route One, 170 feet northwest of Road 271, Lot D-79, within Sea Air Village Mobile Home Park.

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

Mr. Oates presented the case. Glenn A. Jones was sworn in and testified requesting a 7.6-foot variance from the required 20-foot between units in a mobile home park for an 8' x 10' shed; that the shed was already there when he bought the home in October 1999; that the permit issued to the applicant in December 1999, did not note the 20-foot requirement between units in a mobile home park; and that the Sea Air Village Tenant's Association is in favor of the application.

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 variance be granted. Vote carried 5 – 0.

Case No. 7137 – Terry and Bonita Millman – southeast of Third Street, corner of Road 273-A (Bald Eagle Road), Lots 154, 155, 156, and 157, within Bay Vista Subdivision.

A variance from the side yard setback requirement.

Mr. Oates presented the case. Terry Millman was sworn in and testified requesting an 8.5-foot variance from the required 10-foot side yard setback requirement; that he would like to subdivide his property into two lots; that he would like to be able to keep his existing dwelling where it is currently located; that the dwelling was built in the 1950's; that he has owned the home for 16 years; that it would be too costly to move the home; and that he has no problem complying with the current setbacks when he builds a new home on the other lot.

Mr. Rickard stated that he visited the site and said that most of the lots in that area are small.

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

Case No. 7138 – Theresa and David McCloy – south of Road 277, southeast side of Ashwood Court, Lot T-33, within Angola By The Bay Subdivision.

A variance from the side yard setback requirement.

Mr. Oates presented the case. David McCloy was sworn in and testified requesting a 5-foot variance from the required 10-foot side yard setback requirement for a 12' x 28' addition; that he has a small home and needs more room; that he has two daughters at the ages of four and six; and that he has an irregular shaped lot.

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. 7139 – Larry Pruett – south of State Street, southwest side of Heritage Lane, Lot 6, within Heritage Lane Subdivision.

A variance from the front yard setback requirement.

Mr. Oates presented the case. Larry Pruett was sworn in and testified requesting an 8-foot variance for a 25' x 25' garage; that he will be using the existing garage as a living room; that he will be putting a pool behind the new garage; and that the lot next to him is a vacant buildable lot.

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 variance be granted. Vote carried 5 – 0.

Case No. 7140 – Richard and Audrey Peery – west of Road 273-A, northeast side of Kingsbridge Road, Lot 17, within Rehoboth Beach Yacht and Country Club Subdivision.

A variance from the front yard setback requirement.

Mr. Oates presented the case. Richard and Audrey Peery were sworn in and testified requesting a 0.07-foot variance from the required 30-foot front yard setback requirement for a garage; that they had a survey done before they bought the home, not realizing that the survey was wrong; that Franklin Bunting, Planning and Zoning Inspector, went to check the addition and found out that the garage was in violation and asked for a survey because it was too close to pull a tape; and that the Homeowner's Association is in favor of the application.

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

Minutes  
May 1, 2000  
Page 8

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

Meeting Adjourned 8:30 P.M.