

Minutes of May 3, 1993

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, May 3, 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 Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the minutes of April 19, 1993 be approved as circulated.

Case No. 5057--Thomas O. Jefferson - Southwest side of Route 565,
250 feet northwest of Route 594.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Thomas Jefferson was sworn in and testified, requesting a 4' variance from the 10' side yard setback requirement for a dwelling. Mr. Jefferson has two houses on property he owns. The property line runs through Mr. Jefferson's house. He subdivided the property to create two proper parcels, but a variance is needed for one dwelling, so it will comply with the proper setbacks. The property line was moved to accommodate the new dwelling.

There were no parties present in opposition.

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

Case No. 5058--Charles W. & Eleanor A. Colberg - East side at the
end of Route 22, Indian Village Road,
Lot 13, Indian Landing Mobile Home Park.

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

The case was presented by Mr. Betts. Charles Colberg was sworn in and testified, requesting a 1' variance from the 20' setback requirement between units in a manufactured home park, being Lot 13, Indian Landing. Mr. Colberg requested additional variance to be 2½' instead of the 1' requested. Mr. Colberg is going to construct a garage and the variance is needed. He stated that the existing shed on the property is to be removed. He stated that there is no problem with Tunnell Properties, owners of the park.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Wheatley 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. Callaway and carried unanimously that the variance be granted, with the condition that the existing shed be removed.

Case No. 5059--Laurel Grain Company - West side of Route 13A, on the south side of the intersection with Route 501.

A special use exception to continue the use of a manufactured home-type structure to be used as an office.

The case was presented by Mr. Betts. Mark Adams was sworn in and testified, representing Laurel Grain Company who requested to continue the use of a manufactured home-type structure used as an office. Mr. Adams stated that there is no change in their situation since their original hearing. They will need to use the manufactured home-type structure as an office for at least two more years or longer. They are not going to build a structure at this location, but propose to at another location to be determined.

Mr. Betts stated that the request has been renewed four times.

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 for a period of four (4) years.

Case No. 5060--Martin I. & Nancy E. Cook - South side of Route 54, 1,000 feet southeast of Route 58B, Lots 29 and 30, Blk. H, Sec. III within Keen Wik.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Martin Cook was sworn in and testified, requesting a 7' variance from the 30' front yard setback on Lots 29 & 30 in Keen Wik, Sec. III. Mr. Cook stated that he is remodeling and adding a second floor to his dwelling and wants to extend the roof out over steps that protrude into the setback. There will be nothing closer than what already exists.

Mr. Betts read letters into the record from the Keen Wik Association, William P. Wolfe, President; Nelson & Mildred Seiber and Patricia & Joseph Sakalosky, voicing no objections.

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. 5061--Richard C. & Phyllis A. Carmine - South side of Route 462, 210 feet east of Route 461.

A special use exception to continue the use of a manufactured home for security purposes.

The case was presented by Mr. Betts. Richard Carmine was sworn in and testified, requesting to continue the use of a manufactured home on his property for security. The Board previously approved the use and Mr. Carmine now wants to renew it. He stated he has a Irrigation Business and Machine Shop and the manufactured home for security has been beneficial to his business. He feels it has helped correct his theft problem to have someone residing on the property.

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. 5062--Diane S. & W. Allan Huebner - West side of Route One, south of South Bethany Town Limits, Lot 21, within Bay View Park.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. John Bennett, Builder, was sworn in and testified, representing the applicants who requested a 16'10" variance from the 30' front yard setback to be 13'2" on Lot 21, Bay View Park. Mr. Bennett stated that the house on the property has existed for many years and the applicants want to remodel it and move the entrance of the house to the north side and add 3' to the screen porch. He stated it will be further back than the existing house. Mr. Bennett stated that he is on the Bay View Park Association Board and they have no objections.

There were no parties present in opposition.

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

Case No. 5063--William E., Sr. & Patricia A. Webb - North side of Route 471, at the intersection with 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. William E. Webb, Sr. was sworn in and testified, requesting to place a new 28'x 76' double-wide manufactured home on his property for his permanent residence. He testified that there are two other manufactured homes in the immediate area.

There were no parties present in opposition.

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

Case No. 5064--William H. Burns - Southeast side of Route 18, at the intersection with Route 30.

A special use exception to place a manufactured home for security purposes.

The case was presented by Mr. Betts. Janet & Lee Mitchell were sworn in and testified, requesting to place a 14'x 70' or 72' manufactured home for security purposes. They stated that family members will live in the manufactured home. They need the manufactured home for protection for their business. The applicant had applied for the same use, but the application expired before the manufactured home was placed on the property.

There were no parties present in opposition.

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

Case No. 5065--Epworth Fellowship Church - North side of Route 476,
250 feet east of Route 475.

A variance from the requirements for signs.

The case was presented by Mr. Betts. Louis Donald O'Neal was sworn in and testified, requesting a 34 square foot variance for a Church sign to be 66 square feet. Pictures were presented. The Zoning Code permits a 32 square foot Church sign, but the Church wants a 66 square foot lighted sign. He testified that the sign will not block any view and will be placed directly in front of the Church.

There were no parties present in opposition.

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

Case No. 5066--Harold & Charles Valentine - East side of Route 376,
825 feet south of Route 376A.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. H. Richard Valentine was sworn in and testified, requesting a 7' variance from the side yard setback of 10' for a roof extension on an addition. Mr. Valentine has a manufactured home that he has enclosed completely. The builder, Bob Wilkerson, was under the impression that the roof could be brought out further into the setback, according to Mr. Valentine. He stated that there are no other houses in either direction of the property.

There were no parties present in opposition.

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

Case No. 5067--Mildred E. Hooker - South side of Route 18, one mile
east of Harbeson.

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. Mildred Hooker and Cheryl Cox were sworn in and testified. Ms. Hooker is requesting to place a manufactured home on her property for her permanent residence. She stated that a manufactured home development, Hunter's Mill, is located across the road from her property and there is one other manufactured home in the area.

There were no parties present in opposition.

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

Case No. 5068--Queen Anne Station, Inc. - West side of Route One,
500 feet north of Route 88.

A variance from the requirements for signs.

The case was presented by Mr. Betts. Clay Monroe, President of Queen Anne Station, Inc., was sworn in and testified and was represented by Robert Witsil, Attorney. The applicants requested a variance from the requirements for signs to permit two 600 square foot sign areas, 300 square feet on each sign. The applicants constructed a billboard in 1986, but advertised on one side. The second side to be finished at a later date. Since the sign was constructed the Zoning Code requirements for signs has changed and in order to complete the sign, Board approval is needed. There will be no structural change. It was stated that the sign will not alter the character of the neighborhood in any way. A copy of Finding of Facts referencing another case was presented. Mr. Monroe stated he is not sure what the advertising will be.

Fred A. Chapel was sworn in and testified opposing the trimmin or cutting of two line trees in the area of the billboard. He stated he does not oppose the sign if they do not cut or trim the trees.

Mr. Monroe stated that there will be no need to cut or trim the trees nor does he have any desire to upset Mr. Chapel's property. The only trimming would be for visability of the sign, but he sees no need to do anything to the trees and will work with Mr. Chapel.

Motion was made by Mr. Callaway, seconded by Mr. Wheatley 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. Mills and carried unanimously that the variance be granted with the stipulation that the two line trees between the subject property and Chapel property not be cut or trimmed without the consent of the Chapel's or subsequent property owners.

OLD BUSINESS

Case No. 5045 (cont'd)--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 reviewed by Mr. Betts.

After some discussion, motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the special use exception be granted with the condition that the manufactured home be a double-wide manufactured home in size (not single-wide) to fit in with the consistency of the area.

Case No. 5056 (cont'd.)--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 Islands.

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

The case was reviewed by Mr. Betts.

Mr. Jones, Attorney, referenced a letter he had compiled and sent to the Board Members. The Board cannot grant a use variance, which is what Mr. Draper requested. They can only grant land variances.

Motion was made by Mrs. Hudson, seconded by Mr. Callaway and carried unanimously that the case be denied, finding they cannot grant use variances.

Motion was made by Mr. Callaway, seconded by Mr. Mills and carried unanimously that the fee be returned to Mr. Draper since he was mis-informed.

OTHER BUSINESS

Case No. 5046--Gilbert & Lorene Kandler

Modification of decision.

Mr. Betts stated that the variance approval granted to Case No. 5046 should be modified to read variance from the side yard setback requirement, not the rear yard.

Motion was made by Mr. Callaway, seconded by Mrs. Hudson and carried unanimously that Case No. 5046 be modified to read side yard instead of rear yard.

Meeting adjourned at 8:02 P. M.