

Minutes of May 6, 1996

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, May 6, 1996 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. Mills, Mrs. Hudson, Mr. Wheatley, Mr. Callaway, Mr. Jones-Attorney, Mr. Betts-Zoning Inspector III and Mrs. Talley-Planning and Zoning Secretary.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the minutes of April 22, 1996 be approved as circulated.

Case No. 5971--John E. & Taube Carpenter - Northwest side of Horseshoe Drive, 650 feet southwest of Route 14, 0.3 mile south of Marshall Pond near Milford, Lot 18, within Country Club Estates.

A variance from the rear yard setback requirement.

The case was presented by Mr. Betts. John E. & Taube Carpenter were sworn in and testified, requesting an 8' variance from the 20' rear yard setback requirement on Lot 18, within Country Club Estates, for a dwelling to be constructed. The applicants stated that the lot is undersized and they cannot meet the rear yard setback to construct the dwelling they want. Material and letters were presented pertaining to this application. They stated that there is no Homeowners Association in the development.

Mr. Betts stated that there were 14 letters presented by the applicants, in favor of the application.

There were no parties present in opposition.

Motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that the variance be granted, due to the odd size of the lot.

Case No. 5972--Jacqueline D. Hammond - Southeast side of Route 54, at the intersection of Route 369.

A special use exception to operate a Day Care Center.

The case was presented by Mr. Betts. Jacqueline D. Hammond was sworn in and testified, requesting to operate a Day Care Center. She stated that Phase I of her proposal will be to add to her existing home for the Day Care and have 25 children. Phase II,

she will construct a separate building away from the house and will have 45 children. She stated that the amount of children she is allowed is according to the amount of square footage the building will have, 35 square feet per child is allowed. Once Phase II is completed she will close the portion to her house used for the Day Care. She testified that she will care for pre-school and school age children. The Day Care Center will have hours 5:30 A.M. to 6:00 P.M. and will be open year round. She will employ 3 to 5 employees, with more in the summer months when the school children will be there full time. She stated that fencing will be provided for the safety of the children. She now cares for the amount of children she is allowed without a public hearing.

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 maximum of 45 children for the hours 5:30 A.M. to 6:00 P.M.

Case No. 5973--Otis & Nancy Brown - South side of Route 494.
1,100 feet west of Route 498A.

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. Otis & Nancy Brown were sworn in and testified, requesting to place a 1987, 14'x 70' manufactured home for their own use on property they are purchasing. They testified that there are 15 other manufactured homes and 12 dwellings, within a 3 mile area.

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.

Case No. 5974--John N. & Shirley A. Ottinger - West side of Route 571, 2/3 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. John N. & Shirley A. Ottinger were sworn in and testified, requesting to place a 1996, 28'x 44' double-wide manufactured home on property they are purchasing for their own use. They testified that there are 7 or 8 other manufactured homes in the area, but nothing close to the

property they are purchasing. They stated that the manufactured home will be placed on a permanent foundation. They showed a picture/brochure of the manufactured home.

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 1996, double-wide manufactured home on a permanent foundation.

Case No. 5975--Dennis Trott - North side of Route 312, 1/2 mile east of Route 311, Tecumesh Ave., within Riverdale Park.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Dennis and Patricia Ann Trott were sworn in and testified, requesting a 5'6" variance from the 10' side yard setback requirement in Riverdale Park for an addition. Mr. Trott stated that there is a garage on adjacent property and a 16' easement on one side of the property.

There were no parties present in opposition.

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

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be reopened for correspondence to be read.

Mr. Betts read a letter of opposition from Linda Shelton and Terry D. Brown, stating that the applicant is too close to their property line and that a fence on the applicant's property was placed on their property.

Mr. Trott stated that when Chief Clark came to him about the addition being constructed, he stopped building and filed for the public hearing. He stated that the fence referenced in the letter was put on Mr. Brown and Ms. Shelton's property by the previous owner of their property. Mr. Trott stated that the fence is not his. He testified that Ms. Shelton and Mr. Brown would have no problems if they tear down the fence on their property.

Mr. Betts stated that Riverdale Park is a leased property subdivision.

Motion was made by Mr. Callaway, seconded by Mrs. Hudson and

carried unanimously that the variance be granted.

Case No. 5976--Samuel F. Colatriano, Jr. - North side of Route 64,
1,350 feet east of Route 70.

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. Samuel F. Colatriano, Jr. and Christine were sworn in and testified, requesting to place a 1996 double-wide manufactured home on property they are purchasing for their use. They will put the unit on a permanent foundation at a later time when finances can permit it. The unit will be skirted until that time. They testified that there is a vacant lot and a single-wide manufactured home on either side of the property they are purchasing, plus a Nanticoke Home and two other double-wide units in the field across in front of them.

Mr. Mills questioned how long it would take to put the permanent foundation on the property.

Mr. Colatriano, Jr. stated that it would take no more than one year.

Mr. Betts stated that no correspondence had been received pertaining to this case.

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 1996 double-wide manufactured home and a permanent foundation to be added within two (2) years.

Case No. 5977--Anne Craft Sherman - East side of Route 42, 945 feet north of Route 595.

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. Anne Craft Sherman was sworn in and testified, requesting to place a 1995, 14'x 70' manufactured home on her property for her sons use. She testified that there are other manufactured homes in the area.

It was explained to Ms. Sherman that her sons name would have to be put on the deed to the land and the title to the manufactured

home since he is to be the occupant, if the request is approved.

Robert Russell was sworn in and testified questioning who is to live in the manufactured home. He requested that the unit have a shingled roof and vinyl siding. He owns property next to the applicants. He also questioned if he could put a manufactured home on his property at a later date if he wanted to and if this one is approved.

Mr. McCabe explained to Mr. Russell that he too would have to have Board approval if the property is less than five acres.

Joseph Woytko was sworn in and testified that the applicant already has a manufactured home behind him, and he feels another unit will cause more problems, since they area already having problems in the area. He questioned who lives in the existing unit on another property.

Ms. Sherman stated that her sister lives in the existing unit.

Mr. Woytko voiced no opposition.

Eileen Kraft was sworn in and questioned where the property is located.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mr. Callaway 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 Mr. Wheatley, seconded by Mr. Mills and carried unanimously that the special use exception be granted, with the stipulation that the applicant's sons name be put on the title to the manufactured home and on the deed to the property.

Case No. 5978--Phillip Dale & Becky Murray - East side of Route
485, 2,100 feet north of Route 488.

A special use exception to expand a nonconforming use.

The case was presented by Mr. Betts. Mr. Betts explained that the Board had approved the same request on the same property on May 2, 1988, Case No. 3630, but the extension never took place. Phillip Dale and Becky Murray were sworn in and testified, requesting to expand a salvage business. Mr. Murray stated that he had sold the property and that is why the extension never took

place. He has now bought the property back and wants to continue his expansion. He proposes to construct a 75'x 100' warehouse, with a 40'x 60' workshop on the side to do work in, on property that is now vacant. The building will be placed inside a fenced in area. There has been no previous extension on this property according to Mr. Murray.

Mr. Betts stated that no correspondence has been received pertaining to this case.

There were no parties present in opposition.

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

Case No. 5979--Michael & Dorothy Mundy - East side of Route 279,
one mile southeast of Route 277, Lot
D-20, within West Bay Park.

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

The case was presented by Mr. Betts. Frank Calhoun, Manager of West Bay Park, was sworn in and testified, representing this case. The applicant's requested a 2' variance from the 20' setback requirement between units in a park, on Lot D-20, within West Bay Park. Mr. Calhoun explained that a 16'x 68' manufactured home was placed too close to the structure on the adjacent lot. The manufactured home that existed was a more narrow unit and a variance is needed for the larger unit. The steps encroach.

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. 5980--West Bay Park - South side of Route 279, one mile
southeast of Route 277, Lot A-23, within
West Bay Park.

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

The case was presented by Mr. Betts. Frank Calhoun, sworn in

on Case No. 5979 also represented this case. The applicants requested a 3' variance from the 20' setback requirement between units in a park, being Lot A-23, within West Bay Park. Mr. Calhoun stated that the steps cause the encroachment on this application.

Mr. Jones, Attorney, stated that all testimony presented in the previous case, No. 5979, be incorporated into this case.

There were no parties present in opposition.

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

Case No. 5981--West Bay Park - South side of Route 279, one mile southeast of Route 277, Lot A-20, within West Bay Park.

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

The case was presented by Mr. Betts. Frank Calhoun, sworn in on Case No. 5979 also represented this case. The applicants requested a 3' variance from the 20' setback requirement between units in a park, being Lot A-20, within West Bay Park. Mr. Calhoun stated that a double-wide unit cannot be placed on the property without a variance.

It was stated that all testimony presented in Case No. 5979 and 5980 be incorporated into this case.

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. 5982--Moore, Warfield & Glick Realtors - South side of Route 54, one mile west of Fenwick Island.

A variance from the requirements for signs.

The case was presented by Mr. Betts. John Selby was sworn in and testified representing the applicants, who requested a 15' variance from the side yard setback requirements for signs. The existing Bay Country Realty sign will be removed and a new Moore, Warfield & Glick Realtors sign will be put in its place. He stated that the lot is narrow and unique.

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. 5983--Eugene F. Clarahan - South side of Atlantic Avenue, at the intersection of Route 271, Lot E-38, within Sea Air Village.

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

The case was presented by Mr. Betts. Eugene F. Clarahan and Ryan O'Neal were sworn in and testified, requesting a variance from the 20' setback requirement between units in a park, to be 18'4" from the unit on the adjacent property, being Lot E-38, within Sea Air Village. Mr. Clarahan wishes to add an addition to his deck for more room for furniture and entertaining space. Mr. O'Neal stated that Mr. Clarahan has 1/2 of a deck on the property and wants to make an addition to it. He stated that the park has approved the request.

George L. Littleton, representing the park, was sworn in and testified in behalf of the application, stating there are like structures in the park and they have no problem with the request.

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. 5984--Betty Lee Jones Breasure - South side of Route 505, 1,407 feet west of Route 509.

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

This Case and Case No. 5985 were presented by Mr. Betts. Betty Lee Jones Breasure, Virgil Lee Pruitt and Sylvia Elaine Pruitt were sworn in and testified. This Case and Case No. 5985 are in the same area and have the same requests. Ms. Breasure requested to keep a 14'x 70' manufactured home on 4 acres of land. She is subdividing her 5 acre parcel to sell a parcel of land to the applicant on Case No. 5985, which makes her property under 5 acres. Therefore, she needs approval to keep the unit on the property. It was stated that there are 10 to 15 other manufactured homes in the area within a 1 mile radius.

Mr. Jones, Attorney, incorporated all testimony in this case into Case No. 5985. The cases were heard together since they are

in the same area.

There were no parties present in opposition.

Motion was mde by Mr. Mills, seconded by Mr. Callaway and carried unanimously that the special use exception be granted as it exists.

Case No. 5985--Sylvia Pruitt - South side of Route 505, 1,407 feet west of Route 509.

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

This application was presented with Case No. 5984. All testimony presented in Case No. 5984 is incorporated into this case.

The applicant wishes to place a double-wide manufactured home on property they are purchasing for their own use. They are not sure of the size yet. They hope to put the unit on a permanent foundation. The unit will be at least a 1994 or up.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mr. Wheatley and carried unanimously that the special use exception be granted for a 1995 or up double-wide manufactured home on a permanent foundation.

Case No. 5986--Charles H. Butler, Jr. - East side of Route 569, 1,800 feet south of Route 404.

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. Darlene and Donald Beachum were sworn in and testified representing the applicant, who requested to place a 1986 used 12'x 60' manufactured home on his property for his grandson to live in. The existing old manufactured home will be removed, since it cannot be repaired.

Mr. McCabe explained that if approved, the applicant will have to put the grandson's name on the title to the manufactured home and also on the deed to the land.

There were no parties present in opposition.

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

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

Meeting adjourned at 8:08 P. M.