

Minutes of May 15, 2000

The regular meeting of the Sussex County Board of Adjustment was held Monday evening May 15, 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. Schrader – Assistant County Attorney, Mr. Rickard – Chief Zoning Inspector, Mr. Oates – Planning and Zoning Inspector, and Ms. Jackson – Recording Secretary.

Motion by Mr. Hudson, seconded by Mr. McCabe, and carried unanimously to approved the Revised Agenda as circulated.

Motion by Mr. Wheatley, seconded by Mr. McCabe, and carried unanimously to approved the Minutes of May 1, 2000 as circulated.

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

Case No. 7141 – Francis and Ann Basler - south of Road 277, south of Woodland Court South, Lot 67 and ½ of Lot 68, within Angola By The Bay.

A variance from the rear yard setback requirement.

Mr. Oates presented the case. Francis and Ann Basler were sworn in and testified requesting a 15-foot variance from the required 20-foot rear yard setback requirement for a screen porch, and that the Homeowner's Association requested that the applicant must receive approval from the County before they will approve the requested variance.

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

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

Case No. 7142 – Cecelia Cardano – south of Texas Ave, 150 southwest of Bay Shore Drive, Lot 25, Broadkill Beach (North Shores).

A variance from the side yard setback requirement.

Mr. Oates presented the case. Cecelia Cardano was sworn in and testified requesting a 2-foot variance from the required 10-foot east side yard setback requirement for a deck instead of an 8-foot side yard setback on both sides of dwelling and a 5-foot variance from the required 10-foot rear yard setback for a deck; that the lot size is 50' x 100'; that the size of the home will be 27'6" x 40'; that the reason for the variance

changes were because of the septic; that the deck will be even with the pilings on the home; that the deck will be the width of the home; that there is a vacant lot between her and Ilenen Majkowski; and that the deck will not block any views.

By a show of hands two parties were in favor of the application.

Ilene Majkowski was sworn in and stated that she is in opposition to the application; that she owns lots 29 and 31; that her home is not on pilings; and that the deck will block her view.

Mr. Rickard stated that he visited the site and saw no problems with blocking any views.

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

Case No. 7143 – Joyce B. Absher – south of Road 545, 1.05 miles west of Road 594.

A variance from the side yard setback requirement.

Mr. Oates presented the case. Joyce B. Absher was sworn in and testified requesting a 12.2-foot variance from the required 15-foot west side yard setback for a shed and a 0.6-foot variance from the required 15-foot west side yard setback for a pool house; that she sold the home to her nephew; that she found out about the problems at settlement; that permits were obtained for the structures; and that her husband built the structures.

Joseph Andrew was sworn in and stated that he is in favor of the application.

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 be granted. Vote carried 5 – 0.

Case No. 7144 – Edwin D. Broyles – west of Mallard Drive, 330 feet north of Swann Drive, Lot 74, Block H, within Swann Keys Subdivision.

A variance from the front yard setback requirement.

Mr. Oates presented the case. Edwin D. Broyles was sworn in and testified requesting a 7-foot variance from the required 10-foot front yard setback for a shed; that he placed his manufactured home on the rear of the property; that he sent a site plan to the office of Swann Keys; that he was under the impression that he could place the shed on the front of the property; that on February 21, 2000 he placed the shed on his property; that if he has to move his shed he would have to move his steps, porch, tanks and would block the view from windows; that manufactured homes in the subdivision are closer to the road than his shed; and that six neighbors are in favor of the application.

Mr. Oates read a letter to the Board from Ed Lewis, Chairperson of Swann Keys Civic Association, in opposition to the application.

Mr. Oates also read a letter from William H. Hokemeyer, neighbor, in opposition to the application.

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 tabled until June 5, 2000 so that Planning and Zoning can find out what the average is and to find out how far the shed sits from the front property line.
Vote carried 5 – 0.

Case No. 7145 – Haig Ellian – south of Road 361-A, 718 feet southwest of Argyle Drive, Lot 12, within Walter B. Carey Subdivision.

A variance from the front yard setback requirement.

Mr. Oates presented the case. Haig Ellian was sworn in and testified requesting a 6-foot variance from the required 30-foot front yard setback for a garage instead of a 2-foot variance from the front yard setback; that he would like the garage to be 24' x 20' instead of 20.51' x 20'; that his home started off as a summer home and now his son lives in the home full time and needs a garage to place his truck in; and that his neighbors are in favor of the application.

The Board found that no parties appeared 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. 7146 – Nicholas Delcampo – south of Route One, west side of Bayard Avenue.

A variance from the side yard setback requirement.

Mr. Oates presented the case. Nicholas Delcampo was sworn in and testified requesting a 3.5-foot variance from the required 10-foot side yard setback for two 4' x 4' outside showers.

The Board found that no parties appeared 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. 7147 – Gary C. and Tracy C. Revel – north of Road 455, .9 miles east of Road 30 (formerly Road 64).

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

Mr. Oates presented the case and read a letter from Prentiss W. Adkins, Sr., DO. Gary and Tracy Revel were sworn in and testified requesting to place a manufactured home on their property as a medical hardship for Mrs. Revel's mother, Betty Hughes; that the size of the manufactured home is a 12' x 60'; that they have 5 acres of land; and that Mrs. Hughes lives 12 miles away and wants to move her manufactured home to their property so that they can care for her

Mr. Mills reminded Gary and Tracy Revel that when the hardship ceases, the manufactured home would have to be removed.

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

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously that the special use exception be granted for a period of 2 years. Vote carried 5 – 0.

Case No. 7148 – Revere Media Services – west of U.S. Route 13, 244 feet north of Road 468.

A special use exception to place a billboard.

Mr. Oates presented the case. Charles Marino was sworn in and testified requesting to place an off premise sign; that the sign will be two sided and 300-square feet in size; that the height of the sign will be 25-foot; that the sign will be used for general advertising purposes; that the sign is located in a heavy commercial area; that it is made out of steel; that it will meet the setback requirements; and that there is an existing off premise sign on the property.

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 special use exception be tabled until June 5, 2000. Vote carried 5 – 0.

Case No. 7149 – James and Jennifer Borum – east of Walkabout, Lot 346, within The Salt Pond Subdivision.

A variance in the yard requirements to be allowed to encroach into 404 wetlands.

Mr. Oates presented the case. Bruce Mears was sworn in on behalf of the applicants and stated that he is the builder; that the applicants are proposing to build a home with a screen porch and deck; one corner of the home will encroach into the 404 wetlands; and stated that variances in the Salt Pond area to encroach into the 404 wetlands have previously been granted.

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. 7150 – Leroy and Lois Legay – south of Route 24, 200 feet east of Road 279, Lot 10, within Woods Edge Mobile Home Park.

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

Mr. Oates presented the case. Timothy Johnson, owner of the mobile home park, was sworn in on behalf of the applicants and testified requesting a 6-foot variance from the required 20-foot separation between units in a mobile home park; that he bought the park 2 years ago; that the old manufactured home was 12-foot wide and the new manufactured home is 14-foot wide; that it sits in the same footprint; and that the reasoning for the variance is because of a deck on the adjacent lot.

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. 7151 – Frederick Gunn, Jr. – south of Road 238, 1,100 feet east of Route 16.

A variance from the minimum lot width requirement.

Mr. Oates presented the case. Frederick Gunn, Jr. and Earl Orth were sworn in and testified requesting a 100-foot variance from the minimum lot width of 150-foot; that the parcel in question is a 2 acre parcel with 200-foot of road frontage; that he would like to subdivide the lot into 2 parcels with one property having 150-feet of road frontage and the other property having 50-feet of road frontage; that originally it was a 5 acre parcel; that in the early 1990's three parties bought the property and subdivided it; that they will share a driveway; that there is a barn that encroaches on the property and will be removed; and that Mr. Gunn will be able to meet the setback requirements.

By a show of hands 2 parties were in favor of the application.

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 with the stipulation that they must share a driveway.
Vote carried 5 – 0.

Case No. 7152 – Nelson and Alma Chorman – east of Road 264, 2,450 feet southwest of Route One.

A special use exception to operate a day care facility.

Mr. Oates presented the case. Alma Chorman was sworn in and stated that she has operated a day care for 21 years; that she sold her present home and built a new home and would like to continue to operate a day care; that she has owned the property since 1980; that she will care for 14 children; that she will have a fenced in play area; and that she will have adequate parking.

By a show of hands 1 person was in favor of the application.

Motion by Mr. Wheatley, seconded by Mr. McCabe, and carried unanimously that the special use exception be granted. Vote carried 5 – 0.

Case No. 7153 – Andrew J. Garrety – east of U.S. Route 13, 395 feet south of Road 40.

A special use exception to place an off premise sign and a variance from the size requirements for signs.

Mr. Oates presented the case. Andrew J. Garrety was sworn in and testified requesting to place an off premise sign and a 78-square foot variance from the required 300-square foot requirement for a sign; that the size of the sign will be 378-square feet; that the sign will be 25-foot in height; that the proposed off premise sign will be used for general advertising purposes; and that it is made out of steel.

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

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

Case No. 7154 – David H. Elliott – north of Road 476, intersection east of Road 447.

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

Mr. Oates presented the case. David H. Elliott was sworn in and testified requesting a special use exception to place a third on-farm manufactured home; that the manufactured home has been there since 1962; that a septic system was installed for the manufactured home; that he is in the process of updating the septic system; that Carlos Ramirez lives in the manufactured home and works on the farm; that 1 year ago he was approved for using 2 manufactured homes for storage; that according to an aerial photo the farm has a total of 8 manufactured homes; that he has cleaned up the area since the aerial photos; and that he has hauled away the remaining manufactured homes to the dump.

By a show of hands 2 parties were in favor of the application.

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

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

Case No. 7155 – William and Janice Ciampo – west of Road 431, north of Road 472.

A special use exception from the provisions and requirements to retain a manufactured home on a parcel.

Mr. Oates presented the case. William and Janice Ciampo were sworn in and stated that they would like a special use exception from the provisions and requirements to retain a manufactured home on a parcel; that there is a total of 9 acres; that they had a single wide manufactured home on a 1 acre plus parcel on the front of the property; that their nephew bought the manufactured home from them; that he would like to buy the property and eventually build a home; that he takes care of Mrs. Ciampo's mother and cuts her grass; that they would like to place a doublewide manufactured home on the rear of the property; and that the property has no road frontage, just a 50-foot right-of-way that was approved on January 27, 2000 from the Planning and Zoning Board.

By a show of hands 1 person was in favor of the application.

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

Motion by Mr. Hudson, seconded by Mr. McCabe, and carried unanimously that the special use exception be granted. Vote carried 5 – 0.

Old Business

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. Mills stated that he visited the site and saw someone repairing the structure that had a fire.

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the special use exception be granted for a period of 2 years. 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. Rickard stated to the Board that Planning and Zoning has not received a survey of the property showing the correct road frontage from the applicant yet.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be left open until June 5, 2000. Vote carried 5 – 0.

Meeting Adjourned 9:45 P.M.