

Minutes of May 17, 1993

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, May 17, 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 May 3, 1993 be approved as circulated.

Case No. 5069--Larry & Louise Lynch - East side of Route 274, 800 feet south of Route One, Lot 4, within Pine Valley Mobile Home Park.

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

The case was presented by Mr. Betts. Larry & Louise Lynch were sworn in and testified, requesting a 9'8" variance from the 20' setback requirement between units in a manufactured home park, being Lot 4, Pine Valley Mobile Home Park. The applicants are proposing to replace an 8' wide manufactured home with a 10' wide manufactured home and a variance is needed. They stated that there are other similar situations in the park. Letters were presented from the park and a neighbor in favor of the request.

Mr. Betts read the letters presented from Pine Valley Mobile Home Cooperative, John R. Secord, Jr., President and Mr. & Mrs. Ray Williams, neighbors.

John R. Secord, Jr. President of Pine Valley Mobile Home Park Cooperative was sworn in and testified in behalf of the application. He stated that they are in favor of upgrading the park and he feels the applicants new manufactured home will enhance the park. He also testified that the Board recently approved another variance for replacing a manufactured home in the park.

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. 5070--Chester C. & Betty L. Clifton - East side of Route One, on the north side of the intersection with Route 258.

A variance from the requirements for signs.

The case was presented by Mr. Betts. Chester Clifton was sworn in and testified, requesting a variance of 600 square feet from the maximum square footage of 600 square feet for an off-premise sign.

The applicants have a billboard that was placed on the property in 1987. One side has advertisement the other side does not. They propose to use the vacant side now for advertising and since the Zoning Code regarding signs has changed, a variance is needed.

There were no parties present in opposition.

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

Case No. 5071--Barry & Karen Sullivan - South side of Route 24, 135 feet east of White Street, Lot 5 and part of Lot 4, within Estella White Subdivision.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Barry & Karen Sullivan were sworn in and testified, requesting a 5'9" variance from the 40' front yard setback requirement to add an open porch on the front of their dwelling. They testified that the addition will not affect the view of traffic or their neighbors view. They also stated that the porch will not be out as far as the neighbors home.

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. 5072--Donovan Service Center, Inc. - East side of Route 113, 450 feet north of Route 114 (North Bedford Street).

A special use exception to place a manufactured home to be used as an office.

The case was presented by Mr. Betts. Harvey Donovan was sworn in and testified, requesting to place a manufactured home on his property to be used for an office, for the renting of cars and trucks (Ryder). Mr. Donovan testified that he proposes to use the manufactured home for approximately one year, until he finds larger property for more room.

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 three (3) years.

Case No. 5073--R. Brett Ryan - South side of Route 471, 1,320 feet northwest 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. R. Brett Ryan was sworn in and testified, requesting to place a 1992, 14'x 70' manufactured

home on property he is under sales contract to purchase for his permanent residence. Mr. Ryan stated that the lots adjoining his proposed lot are vacant, but there are other manufactured homes approximately $\frac{1}{4}$ mile away.

Mr. Betts read correspondence from Charles R. Hudson, Superintendent for the Indian River School District, voicing no objections.

Terry Timmons and Robert Timmons adjoining property owners were sworn in and testified in opposition to a manufactured home going on the property on less than five acres.

Motion was made by Mrs. Hudson, seconded by Mr. Mills 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 special use exception be granted.

Case No. 5074--Milton F., Jr. & Cecilia Potter - South side of Route 54, $\frac{1}{4}$ mile west of Route 58A, Lot 22, within Cape Windsor.

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

The case was presented by Mr. Betts. Milton Potter, Jr. was sworn in and testified, requesting an 8' variance from the 20' setback requirement between units in a manufactured home park, being Lot 23, Cape Windsor. The applicants propose to erect a garage and shop on the property. A shed on the property will be removed. Letters from the Cape Windsor Association and a neighbor were presented.

Mr. Betts read the letters presented into the record, from Cape Windsor Community Association, Don Muckle, President and Hercules Avello, neighbor, voicing no objections.

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, with the stipulation that the shed be removed.

Case No. 5075--Carlton Fountain & Cynthia Nock - Northeast side of Route 541, 600 feet southeast of Route 478.

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

The case was presented by Mr. Betts. Teresa Elaine Jenkins, daughter of Mr. Fountain, was sworn in and testified in behalf of the application. Ms. Jenkins stated she wants to place a 10'x 46' manufactured home on the property to live in and help care for her father who is ill. Mr. Fountain lives in a house on the property. She stated that the manufactured home has already been placed on the property.

Mr. Betts read a letter from a doctor, into the record, referencing Mr. Fountain's health.

Dot & Albert Tull were sworn in and testified in opposition stating they own farmland in the area and they feel they would never be able to develop it. They testified that the area is being degraded now and feel another manufactured home would add to it.

Dorothy Parker property owner in the area, was sworn in and testified in opposition. She too feels the area is being degraded and is also concerned about sewerage problems.

Lorenzo A. Williams was sworn in and testified in favor of the application, stating that he has property in the area adjacent to the applicants and has a manufactured home.

Billy J. Barnes was sworn in and testified in opposition, stating he has a stick-built house and he fears sewerage problems, poor drainage and degrading property values.

Teresa Jenkins stated that she has not gotten sewer approval, because she wanted to wait to see if she gets Board approval for the manufactured home. She also stated that there are some properties in the area unkempt, but her and her father's property is kept up.

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

Case No. 5076--Kevin Dowd & Ellen Dowd - South side of South Avenue, 200 feet south of Route One, Lot 30, within Poynters Addition to Rehoboth.

A variance from the rear yard setback requirement.

The case was presented by Mr. Betts.

There were no parties present in behalf of this case.

At the conclusion of the public hearings, the Chairman referred back to this case.

Jackson Dunlap, Attorney, was present representing Mr. & Mrs. Dowd, who requested 3/10 of a foot variance from the rear yard property line of 10' for an existing dwelling, built in 1983, on Lot 30, Poynters Addition. When the property was sold the encroachment was discovered. An affidavit and plot were presented.

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. 5077--Howard & Doris M. Krouse - West side of Route 36,
800 feet south of Route 44, Lot 5-4,
within James A. Mayhew Subdivision.

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. Howard & Doris Krouse were sworn in and testified, requesting to place a 12'x 70' manufactured home on property they own, being Lot 5-4, within James Mayhew Subdivision. They would like to place the manufactured home on the property to rent to their son (David) for his residence. They testified that there are other manufactured homes in the development.

Mr. Jones, Attorney, explained to the applicants that their sons name would have to be placed on the deed as owner of the property, since it has been the policy of the Board to grant approval for manufactured homes on less than five acres for residents owning the property not as rentals. He explained that they could keep their names on the deed along with their sons.

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, with the stipulation that their sons name, David Krouse, be put on the deed to the property.

Case No. 5078--Albert Y. & Dorothea L. Clemmer - North side of Route 54,
one mile east of Route 381, Lot 31E, within
Swann Keys.

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

The case was presented by Mr. Betts. Brantley Watkins was sworn in and testified, representing the applicants, who requested an 8' variance from the 20' setback requirement between units in a park, being Lot 31E, within Swann Keys. The applicants propose to place a new 14'x 64' manufactured home on their property and a variance is needed. A letter from the Swann Keys Civic Association was received.

Mr. Betts read the letter into the record from the Swann Keys Civic Association, voicing no objections. A letter from Van & Irene Tozour was also read into the record voicing opposition.

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. 5079--Kenneth H. Wilkins, Jr. & William McBane - North side
of Route 616, ½ mile west of Route 615.

A special use exception to operate an archery range.

The case was presented by Mr. Betts. Kenneth Wilkins, Jr. and William McBane were sworn in and testified, requesting to operate an archery range on 141 acres of land owned by Mr. Wilkins. They testified that the archery range will be nowhere near the property lines and will be in the woods with no houses nearby. The archery range will be open to the public for a fee. There will be parking provided. Safety will be provided and they stated they will probably adopt IBO by/laws.

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, for a period of two (2) years.

Case No. 5080--Harry, Jean & Stephen Seipp - North side of Route 524,
1,040 feet north of Route 516, within
Whispering Pines Subdivision.

A variance from the lot size requirement and a
variance from the lot width requirement.

The case was presented by Mr. Betts. Stephen Seipp and Charles Adams were sworn in and testified in behalf of the application. The applicants requested a 21,780 square foot variance from the minimum 1 acre requirement for 26 lots and a 50' variance from the 150' width requirement in a conservation district in a subdivision to be called Whispering Pines. The subdivision will have on site sewer and water and the lots will be $\frac{1}{2}$ acre in size. The subdivision had been planned prior to the new conservation district regulations.

Mr. Betts read into the record a letter from Lawrence Lank, Director of Planning and Zoning, referencing the Planning and Zoning Commission feelings concerning the subdivision.

There were no parties present in opposition.

Motion was made by Mr. Callaway, seconded by Mr. Mills 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. Mills, seconded by Mr. Wheatley and carried unanimously that the variance be denied, finding the request does not meet the requirements for a variance.

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

Meeting adjourned at 8:10 P. M.