

Minutes of May 18, 1992

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, May 18, 1992 in the County Council Conference Room, Courthouse, Georgetown, Delaware.

The meeting was called to order at 7:00 P. M. with Chairman McCabe presiding. The members present were: Mr. McCabe, Mr. Stuchlik, Mrs. Hudson, Mr. Carey, Mr. Wheatley, Mr. Jones-Attorney and Mr. Betts-Chief Zoning Inspector.

Motion was made by Mr. Stuchlik, seconded by Mr. Carey and carried unanimously that the minutes of May 4, 1992 be approved as circulated.

Case No. 4711--Dorothy Dodd - West side of Route 5, 200 feet south of Route 235A.

A special use exception to operate a Day Care Center.

The case was presented by Mr. Betts. Dorothy Dodd was sworn in and testified, requesting to operate a Day Care Center-Group Home. The Center will care for children infant to any age. Mrs. Dodd testified she will have 11 children. There is a fenced in playground and she will operate from 7:30 A.M. to 5:00 or 5:30 P.M., five days a week. By state law she will employ one (1) person. Mrs. Dodd testified that she has operated a Day Care Center 6 plus 2 for four years and in order to expand to the Group Home, approval by the Board is needed.

There were no parties present in opposition.

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

Case No. 4712--Bertha Belfield - West side of Route 369, 950 feet south of Route 54.

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. Valerie Harmon was sworn in and testified in behalf of the case, representing Bertha Belfield who requested to place a 1974, 14'x 70' manufactured home on property for her permanent residence. She testified there are other manufactured homes in the area.

There were no parties present in opposition.

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

Case No. 4713--Clifton & Margaret Justice & Kelly Justice - South side of Route 26, 700 feet west of Route 350.

A variance from the front yard setback requirement.

This case was withdrawn.

Case No. 4714--Margaret E. Warren - West side of Route 207, Lot 13, within Ed's Trailer Park.

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

The case was presented by Mr. Betts. Ida M. Passwaters who rooms with Ms. Warren and is her aunt by marriage, was sworn in and testified in behalf of the applicant, who requested a 5½' variance from the 20' requirement between units in a park to be 14½'. The property being Lot 13, Ed's Trailer Park. A porch built last year is encroaching into the setback. The applicant had a permit. Ms. Passwater's testified that there are other similar situations in the park.

There were no parties present in opposition.

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

Case No. 4715--Christopher R. & Jeanne Whitely - East side of Route 279, 470 feet south of Route 279A, Angola Neck.

A Variance from the lot width requirement.

The case was presented by Mr. Betts. Christopher Whitely was sworn in and testified, requesting a variance of 45' from the 150' lot width requirement to be 105' for two lots. A letter referencing this case was presented by Mr. Whitely. The applicant testified that the property is owned by his father and he wants to subdivide to be able to build a home on one lot. Each lot will have 105' of road frontage.

Richard Whitely, father, was sworn in and testified in behalf of the request. He testified he will not do any further subdividing of the property.

Mr. Betts, Zoning Inspector, read the letter presented from Adele H. Fluharty, in favor of the variance.

There were no parties present in opposition.

Motion was made by Mr. Carey, seconded by Mr. Stuchlik and carried unanimously that the variance be granted, with the stipulation that there be no futher subdividing of the property.

Case No. 4716--Paul A. Collins - North side of Route 277A, 1,255 feet east of Route 277.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Paul A. Collins was sworn in and testified, requesting a variance of 18' from the 40' front yard setback requirement to be 22' to enlarge and enclose an existing porch. He stated he will not build out any further than the step is now.

There were no parties present in opposition.

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

Case No. 4717--Edith M. Pearson

This case was withdrawn.

Case No. 4718--Route 16 Sales - South side of Route 20, 700 feet west of Route 556.

A special use exception to use a non-accessory tent for special purposes.

The case was presented by Mr. Betts. Leonard Walter Murphy was sworn in and testified, requesting to use a tent to cover produce he sells. It will be a free standing tent that can be taken down when not in use. Mr. Murphy has a produce stand that he sells from for 5 to 6 months. A picture was presented.

There were no parties present in opposition.

Motion was made by Mr. Wheatley, seconded by Mrs. Hudson and carried unanimously that the special use exception be granted for use 6 months each year.

Case No. 4719--James C., Sr. & Patty L. Kinnikin - Northwest side of Route 510, 0.2 miles southwest of Route 24.

A variance from the rear yard setback requirement.

The case was presented by Mr. Betts. James C. Kinnikin, Sr. was sworn in and testified, requesting a variance of 15' from the 20' rear yard setback requirement for a garage. There is an open field to the rear of the property. The applicants will remove a barn and shed within the year.

There were no parties present in opposition.

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

Case No. 4720--Simon Mannings - Northeast side of Route 297, 600 feet northwest of Route 296.

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. Simon Mannings was sworn in and testified, requesting to place a 1992, 14'x 70' manufactured home on his property for his permanent residence. He testified that there are 5 other manufactured homes in the area.

Mary Nelson, mother, was sworn in and testified in behalf of the requested manufactured home, stating she gave her son the property and wants him to have the manufactured home.

There were no parties present in opposition.

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

Case No. 4721--Donald Fooks - East side of Route 510, 700 feet north of Route 503.

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. Donald Fooks was sworn in and testified, requesting to place a 1991, 28'x 70' manufactured home on his property, for his residence. The property was previously approved for a manufactured home by the Board in 1986 (Case No. 3175), but was never placed. There is one other manufactured home in the area.

There were no parties present in opposition.

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

Case No. 4722--Delmar Church of God - East side of Route 13, 136 feet north of Route 480.

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

The case was presented by Mr. Betts. Ralph A. Mills was present and affirmed, representing Delmar Church of God, who requested to place a 1986, 14'x 70' manufactured home on property they own to be used as a parsonage. The minister presently lives in a manufactured home park and has three children and needs to relocate. They hope to build a home on the property in approximately 2 to 3 years.

Phillip Howard, Arnold P. Obenshain, Beverly Jane Obenshain, Phillip Myer, Virgil King, William A. Dukes and Diane Grace Isenbrey were sworn in and testified in opposition, citing that there is a manufactured home in the area in violation, 5 acres is needed for a manufactured home, area predominantly stick-built homes, the parsonage should be closer to the Church, property now unkept, (with cemetery and tabernacle on it), and do not agree with manufactured home regardless of intentions.

Mr. Mills confirmed most of the opposition and apologized for any inconvenience. He stated that they hope to improve the property.

Motion was made by Mrs. Hudson, seconded by Mr. Carey 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. Stuchlik and carried unanimously that the special use exception be denied.

Case No. 4723--Charles G. Matthews - Route 22, Lot 1074, within Pot  
Nets North.

A variance from the setback requirement from lot lines in a manufactured home park.

There were no parties present in behalf of this case.

After some discussion, motion was made by Mr. Carey, seconded by Mrs. Hudson and carried unanimously that the variance be denied, finding the applicant was not present and failed to present any evidence in favor.

Meeting adjourned at 7:50 P. M.