

Minutes of May 19, 1997

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, May 19, 1997 in the County Council Chambers, County Administrative Office Building, 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. Callaway, Mrs. Hudson, Mr. Wheatley, Mr. Jones-Attorney, Mr. Betts-Zoning Inspector III, Mr. Shockley-Zoning Inspector III, Mr. Rickard-Zoning Inspector III and Mrs. Talley-Planning & Zoning Secretary.

Motion was made by Mr. Wheatley, seconded by Mrs. Hudson and carried unanimously that the minutes of May 5, 1997 be approved as circulated.

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

Case No. 6318--Walter & Maureen Gretschel - East side of Route One, at Route 360, Lot 15, within Seabreak.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Lois Dolby and I. C. Cooper, Realtors, were sworn in, and John Sergovic, Attorney, was present representing the seller of the property, Mr. Willse, Lot 15, within Seabreak. The applicants requested a 2'3" variance from the 30' front yard setback requirement for a house. The encroachment was discovered when a survey was done for the sale of the property. Ms. Dolby stated that she works for Hickman Real Estate and sold the property to the original owners the Wilse's. It was stated that the current applicants are not responsible for the encroachment and it would be expensive to correct it.

There were no parties present in opposition.

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

Motion was made by Mrs. Hudson, seconded by Mr. Callaway and carried unanimously that the variance be granted. Vote 4-0.

Case No. 6319--Paris V. Street - East side of Route 30, 1,007 feet south of Road 31.

A special use exception to place a manufactured home to be connected to the existing manufactured home to be used as one single family unit.

The case was presented by Mr. Betts. Paris V. Street was sworn in and testified, requesting to place a second manufactured home to be connected to the existing manufactured home to become one single family unit. The existing manufactured home is 24'x 48' and the second one to be added will be 24'x 56' in size. He presented a drawing showing the manufactured homes. Mr. Street stated the units will be in a "T" shape, have a solid foundation, vinyl siding for all, matching A-Roof and the entire operation will be completed by June 15. There will be one living unit with one kitchen when completed.

David Erb, neighbor, was sworn in and testified in behalf of the application. He stated that the applicant needs extra room and what he is proposing, he does not object to.

There were no parties present in opposition.

Motion was made by Mr. Wheatley, seconded by Mr. Callaway and carried unanimously that the special use exception be granted with the following stipulations: The units must be on a solid foundation, have vinyl siding, an A-Roof, be one living unit and the work completed within ninety (90) days. Vote 4-0.

Case No. 6320--Bart Parker - North side of Route 299, 1/4 mile east of Route 24, Lot 10.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Bart Parker was sworn in and testified, requesting a 1' variance from the 40' front yard setback requirement to construct an addition to an existing dwelling. Mr. Parker stated that on either side of his property there is a manufactured home and a vacant lot.

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. Vote 4-0.

Case No. 6321--Towers Communications - West side of Route 13, 700 feet north of Route 534.

A variance from the setback requirements for signs.

The case was presented by Mr. Betts. Charles Leon Towers was sworn in and testified, requesting a 90 sq. ft. variance from the 150 sq. ft. requirement for a sign to be 240 sq. ft. Mr. Towers

stated that there is a 6'x 20' sign on the property that has been there for 25 years, and is directly across from Wal-Mart. The property is on an angle and the sign cannot be seen. It is rental property and would help their tenants to have a variance. The two existing signs will be taken down and there will be two new signs put up on the same location.

Mr. Betts stated that the signs are considered one ground sign. He stated that there had been no correspondence received pertaining to this case.

There were no parties present in opposition.

Motion was made by Mr. Wheatley, seconded by Mrs. Hudson 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. Wheatley and carried unanimously that the variance be granted. Vote 4-0.

Case No. 6322--State of Delaware - Southeast side of Route 431,
700 feet northeast of Route 113.

A special use exception to place a manufactured home to be used for offices.

The case was presented by Mr. Betts. Neal Murray and Philip Bale were sworn in and testified representing the State of Delaware, who requested to place a manufactured home for a drivers license and driver improvement office for the Department of Public Safety of Motor Vehicles. Mr. Bale stated that they are overcrowded now and to move the offices mentioned would create 50% less overcrowding. He stated that a handicap ramp will be provided. He stated that the use will accommodate the residents of Sussex County. The manufactured home will be temporary and 24'x 60' in size.

There were no parties present in opposition.

Motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that the special use exception be granted for a period of five (5) years. Vote 4-0.

Case No. 6323--Michael L. Walker - North side of Terrace Road, 1/2
block west of Blackstone Road, Lot 14,

within Silver Lake Manor.
A variance from the front yard and side yard
setback requirement.

The case was presented by Mr. Betts. Tony Marchetti was sworn in and testified representing the applicant, who requested a 4' variance from the 10' side yard setback requirement and a 10' variance from the front yard setback requirement of 30', on a lot 50'x 115' in size. Mr. Marchetti stated that due to the lot being narrow and unique the applicant cannot build the home he wants to build. He wants to build closer to the front property line due to commercial property being to the rear of his lot. He stated that there are dwellings on either side of the applicants property. He stated that there are other dwellings in the development closer than the 30' required setback. Mr. Marchetti stated that there is no Homeowners Association in the development that he is aware of. He stated that the dwelling is to be 38' wide and that the properties on either side of the applicant are rental properties.

Mr. Betts read a letter of opposition received from Claude and Kathy Porsella.

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. Motion was made by Mr. Callaway, seconded by Mrs. Hudson and carried unanimously that the case be tabled until the next meeting. Vote 4-0.

Case No. 6324--Charles H. McKinney - Southwest side of Route One,
1/4 mile northwest of Route 271.

A variance from the requirements for signs.

The case was presented by Mr. Betts. Jeff Stevens, employed by Rogers Signs, was sworn in and testified, representing the applicant who requested a 30' variance from the side yard setback of 50' to be 20' and a 120' variance from the 300' setback from another billboard to be 180'. Mr. Stevens stated that there is a strip shopping center with a 300 sq. ft. sign now, the applicant wishes to remove and replace the existing sign with a steel structure, to make it more presentable. Pictures were presented. The sign will remain on the same property, just at a different location. There are two billboards on the property.

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. Wheatley and carried unanimously that the variances be granted. Vote 4-0.

Case No. 6325--William D. Bailey, Jr. - Northeast side of Route 405, 300 feet northwest of U. S. Route 113.

A special use exception to place a manufactured home on an emergency hardship basis and for security purposes.

The case was presented by Mr. Betts. William D. Bailey, Jr. and Grace Bailey were sworn in and testified and were represented by Mark Steiner, Attorney. The applicant requested to place a new single wide manufactured home on his father's property for an emergency hardship situation and for security purposes. Mr. Bailey, Jr. needs a place to live and his father has Bailey's Seafood business on the property that has been broken into, twice in one year. Mr. Steiner stated that they feel there will be no adverse impact to the area and that there will not be an increase in traffic. Mrs. Bailey stated that there are other manufactured homes in the area, with a manufactured home park down the road from the property.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Wheatley and carried unanimously that the special use exception be granted for security purposes for a period of five (5) years. Vote 4-0.

Case No. 6326--Thomas Lazzaro - East side of Route 554, 620 feet north of Route 557.

A variance from the setback requirements for a commercial horse stable.

The case was presented by Mr. Betts. John Lare was sworn in and testified representing the applicant, who requested a 170' variance from the 200' setback requirement from the side property line and 150' from the front property line, on 28.03 acres for a commercial horse stable. Mr. Lare stated that the property is narrow and there is a horse racing track on the property. He needs to keep the stable from being on the horse track. Mr. Lare stated

that the variance would not affect anyone else and that the closest neighbor has no objections.

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. 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. Wheatley and carried unanimously that the variance be granted. Vote 4-0.

Case No. 6327--Jim Lee, Inc. - West side of Route 13, 165 feet south of Route 545.

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

The case was presented by Mr. Betts. There were no parties present to present this case. Since there were interested parties present, the Chairman opened the hearing.

Karen Parker and Ray Ellerman were sworn in and testified in opposition. Mrs. Parker stated that she lives next door to the applicants business, Jimmy's Grill, and the location on the advertisement is not Jim Lee property. She asked if a plan had been submitted that she could see.

Mr. Betts stated that no plan had been submitted.

Mrs. Parker stated that her husband is Director of Assessment and they feel that there would be an affect on property values if the manufactured home is permitted. She stated that she had spoken to the State Police and there have been no reports or criminal complaints reported from the applicant. She stated that Mr. Tennefoss has cleared an area behind her house to put the manufactured home and it would not be next to the business. She stated that the property where the business is located is brightly lit. She presented some evidence to the Board to consider if they should approve the application. Mrs. Parker stated that a letter from Planning and Zoning with stipulations had been sent to the applicant and none have been adhered to. She feels the requested manufactured home should be denied based on the zoning violations on the property and no need.

Ray Ellerman stated that he is the father of Karen Parker and she had summed up everything. Mr. Ellerman stated that he lives 1/2 mile away from his daughter. He is opposed to the application.

Mr. Betts stated that he had received a phone call from Dr. Hafez, who owns property in the area and he stated that he is opposed to the manufactured home request. Dr. Hafeze feels the area is not appropriate for a manufactured home. Dr. Hafez feels that a number of employees could end up living in the manufactured home. Dr. Hafez said that he is going to develop his property as a convenience store/gas station.

Motion was made by Mrs. Hudson, seconded by Mr. Callaway and carried unanimously that the special use exception be denied, due to no parties being present to present evidence in behalf of the application, and the applicant cannot reapply for a period of one (1) year. Vote 4-0.

OTHER BUSINESS

Case No. 6306 (cont'd.)--Jean R. & George A. Picot - North side of Route 297A, at the corner of Mercer Avenue and Paul Street, Lot 6, within Delaware Oyster Farms.

A variance from the side yard setback requirement on a corner side.

Mr. Betts reviewed the case.

Mr. Jones, Attorney, gave a summary of the testimony presented at the public hearing in favor and in opposition.

After some discussion, motion was made by Mr. Wheatley, seconded by Mr. Callaway and carried unanimously that the case be tabled until the next meeting. Vote 4-0.

OTHER BUSINESS

Case No. 6075 Donald Derrickson - Time Extension

Mr. Betts stated that he had received a letter, which he read into the record, from Donald Derrickson requesting a one year time extension for his Case No. 6075 for a sign that was approved by the Board.

Motion was made by Mr. Callaway, seconded by Mrs. Hudson and carried unanimously that a one (1) year time extension be granted

to Case No. 6075. Vote 4-0.

Case No. 5816 Evelyn Widen - Time Extension

Mr. Betts stated that he had received a letter, which he read into the record, from Evelyn Widen requesting a one year time extension for her Case No. 5816 for placement of a manufactured home approved by the Board.

Motion was made by Mrs. Hudson, seconded by Mr. Callaway and carried unanimously that a one (1) year time extension be granted for Case No. 5816. Vote 4-0.

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

Meeting adjourned at 8:04 P. M.