

MINUTES OF MAY 19, 2003

The regular meeting of the Sussex County Board of Adjustment was held Monday evening May 19, 2003, at 7:00 p.m. in the County 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. Mills, Mr. Workman and Mr. Hudson, with Mr. Berl – Assistant County Attorney, Mr. Oates – Zoning Inspector II, and Mrs. Norwood – Recording Secretary.

Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously to approve the Revised Agenda. Vote carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of May 5, 2003. Vote carried 5 – 0.

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

Case No. 8181 – Carl Abramowicz – south of Route One, Red Mill Drive, being Lots 41 and 42, within Mill Pond Acres Subdivision.

A variance from the front yard setback requirement.

Mr. Oates presented the case. Carl Abramowicz was sworn in and testified requesting a 25-foot variance from the required 30-foot front yard setback requirement for a proposed detached shed, and a 25.5-foot variance from the required 30-foot for an existing detached shed; that there is no further public access on that street other than for the pump station; that the sheds cannot be seen from the road due to the trees; and that due to the wooded area the sheds are easier to gain access to if placed that close to the property line.

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

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the variances be **granted with the stipulation that the proposed shed not exceed 600-square-foot**. Vote carried. 5 – 0.

Case No. 8182 – New Dimension Homes – south of Route 22, west of Otterway, being Lot 9, within Pot Nets Seaside Mobile Home Park.

A variance from the rear yard setback requirement.

Mr. Oates presented the case. Richard DeWitt was sworn in and testified requesting a 4-foot variance from the required 5-foot rear yard setback requirement for an existing shed; that the shed has been on the lot since 1975; that the shed below grade making it impossible to move; and that the neighbors are in favor of the application.

By a show of hands, 1 party appeared in favor of the application.

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

Motion by Mr. Hudson, seconded by Mr. Workman, and carried unanimously that the variance be **granted**. Vote carried 5 – 0.

Case No. 8183 – Thomas J. and Mary Ellen Rozell – west of Road 382, 125 feet south of Route 17.

A variance from the front yard setback requirement.

Mr. Oates presented the case. Thomas Rozell was sworn in and testified requesting a 18-foot variance from the required 40-foot front yard setback requirement for a proposed attached garage; that the garage cannot be placed further back on the property due to the septic system; and that the existing dwelling was built in 1860.

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

Motion by Mr. McCabe, seconded by Mr. Workman, and carried unanimously that the variance be **granted**. Vote carried 5 – 0.

Case No. 8184 – Greg and Joanne Justice – south of Road 417, 1,077 feet east of Road 417-B.

A special use exception from the requirements and provisions to retain a manufactured home on a parcel and a variance from the setback requirement for a poultry house.

Mr. Oates presented the case. Joanne Justice was sworn in and testified requesting a special use exception to retain a manufactured home on a parcel, and a 100-foot variance from the required 200-foot setback requirement from a poultry house; that her In-laws want to subdivide a $\frac{3}{4}$ acre parcel for their son; that the manufactured home is on the property for farm help; that per Mr. Lank they do not need the requested variance; and that she submitted letters in favor of the application.

By a show of hands, 3 parties appeared in favor of the application.

Mr. Oates stated that the office received a petition with 10 signatures 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 and that the variance request was not needed**.
Vote carried 5 – 0.

Case No. 8185 – Allen and Sarah Elfreth – southwest of Route One, southeast of Yorktown Road, being Lot F-17, within Shawnee Acres Subdivision.

A variance from the front yard setback requirement.

Mr. Oates presented the case. Robert Ament was sworn in and testified requesting a 12.5-foot variance from the required 30-foot front yard setback requirement for an existing dwelling; that a previous variance was granted for 9-foot; that the previous variance was granted on an incorrect measurement; and that the property is being sold again and the new survey showed the discrepancy.

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

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be **granted for the requested 12.5-foot**. Vote carried 5 – 0.

Case No. 8186 – Randy and Phyllis Long – west of Road 88, north of Aquarius Circle, intersection of Apollo Lane and North Aquarius Way, being Lot 1, Block F, Cave Colony Subdivision.

A variance from the front yard setback requirement for a through lot.

Mr. Oates presented the case. Phyllis Long was sworn in and testified requesting a 16-foot variance from the required 30-foot front yard setback requirement for a through lot; that the proposed detached garage will measure 25' x 40'; that the lot is also a corner lot; and that the mound septic system prevents the garage from being placed elsewhere on the lot.

The Board found that no parties appeared in support of or 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. 8187 – Mary and James Walls, Jr. – west of Road 590, 3,150 feet north of Road 583.

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

No one appeared on behalf of the application.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the special use exception be **denied for lack of record of support**. Vote carried 5 – 0.

Case No. 8188 – Gerald A. Nocks – south of Road 331, east of Third Street, being Lots 17 and 19, within Riverview Subdivision.

A variance from the side yard and front yard setback requirements.

Mr. Oates presented the case. Gerald Nocks was sworn in and testified requesting a 2.2-foot variance from the required side yard setback requirement and a 0.4-foot variance from the 30-foot front yard setback requirement for an existing dwelling; that he obtained the building permit; that the foundation installer measured for the placement of the dwelling; and that he learned of the violation when he requested the Certificate of Occupancy.

Roslyn Hopkins, was sworn in and testified in opposition to the application; that she was concerned that the Applicant would build a second dwelling on the lot; that she is concerned for her privacy; and that she does not object to the requested variances.

Rudolph Drummond, was sworn in and testified in opposition to the application; that he is the previous owner of the land; that he is opposed to a second dwelling being built on the lot; that he has had the lots re-surveyed to be able to convey 120' x 120' lots to prevent overcrowding the area; and that he does not object to the requested variances.

Athena M. Drummond, was sworn in and testified in opposition to the application; that she confirms her husband's testimony; and that she is not opposed to the requested variances.

By a show of hands, 3 parties appeared in opposition to the application.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the case be **tabled until June 2, 2003**. Vote carried 5 – 0.

Case No. 8189 Mark and Kimberly Quillen – east of Road 228-A, 2,000 feet south of Road 38, being Lot 20.

A variance from the side yard setback requirement.

Mr. Oates presented the case. Mark and Kimberly Quillen were sworn in and testified requesting a 1.5-foot variance from the required 5-foot side yard setback for a playhouse, a 3-foot variance from the required 5-foot side yard setback requirement for a shed, and a 4.4-foot variance from the required 5-foot side yard setback requirement for a dog kennel; that they have recently sold the property; that the new owners had a survey done and that the survey made them aware of the violations; that the shed and kennel have been on the lot for 11 years and are built with concrete block foundations; and that the neighbors are in favor of the application.

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

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

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the variances be **granted**. Vote carried 5 – 0.

Case No. 8190 – John W. and Ellen J. Hall – west of Road 225, 2.068 feet southeast of McCoy Avenue, being Lot B.

A variance from the side yard and rear yard setback requirements.

Mr. Oates presented the case. Robert Ament was sworn in and testified requesting a 10-foot variance from the required 15-foot side yard setback requirement and a 10-foot variance from the required 20-foot rear yard setback requirement for a proposed garage; that the Applicant would like to place the garage as far back on the property as possible; that the septic system will not allow the garage to be placed on another section of the property; and that he submitted a survey and letters to support the application.

John W. Hall, was sworn in and testified in favor of the application; that he purchased the property in 1974; that the existing dwelling was built in the 1940's; and that the existing garage was there prior to Zoning.

By a show of hands, 2 parties appeared 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 variances be **granted**. Vote carried 5 – 0.

Case No. 8191 – Richard B. and Patricia A. Schultz – northwest of road 362, east of Alabama Drive, being Lot 2, within Plantation Park Subdivision.

A variance from the side yard setback requirement.

Mr. Oates presented the case. David Wiedman was sworn in and testified requesting a 3-foot variance from the required 10-foot side yard setback requirement for an existing manufactured home; that the original unit was destroyed by fire in 1999; that Ron's Mobile Home Sales place the new unit using the same footprint as the original unit; that the Applicant is selling the unit and the survey showed the violation; and that a survey was submitted.

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

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

Motion by Mr. McCabe, seconded by Mr. Workman, and carried unanimously that the variance be **granted**. Vote carried 5 – 0.

Case No. 8192 – Francis E. White – west of U.S. Route 13, 627 feet north of Road 454-A.

A variance from the minimum lot width requirement for a parcel.

Mr. Oates presented the case. Francis E. White was sworn in and testified requesting a 34-foot variance from the required 150-foot lot width requirement; that he wants to subdivide the parcel; and that the remaining frontage will be just to access the property he owns.

Tanya Moore, was sworn in and testified in favor of the application; that she is the interested party; that her family wishes to move to the area for health reasons; that she has finally found a home that is wheelchair accessible for her son; and that the area is also suitable for her asthma.

By a show of hands, 7 parties appeared 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. 8193 – ADBM Properties, Inc. – east of U.S. Route 113, 1,140 feet west of Road 82.

A variance from the front yard setback requirement for sales display.

Mr. Oates presented the case. Linn Hickman was sworn in and testified requesting a 15-foot variance from the required 25-foot front yard setback requirement for a sales display; that the current business is using the existing parking spaces for the display; that there is no entrance to the property from U.S. Route 113; that the trucks displayed were removed immediately until after the hearing; and that she submitted pictures.

By a show of hands, 1 party appeared in favor of the application.

Motion by Mr. McCabe, seconded by Mr. Workman, and carried unanimously that the variance be **granted**. Vote carried 5 – 0.

Case No. 8194 – Cro-Wil Properties – east of U.S. Route 113, 840 feet west of Road 82.

A special use exception to retain a manufactured home type structure as a sales office.

Mr. Oates presented the case. Linn Hickman was sworn in and testified requesting a special use exception to retain a manufactured home type structure as a sales office; that the Applicant purchased the property with the sales office; that they were unaware the use was only for a limited time period; and that she submitted pictures.

By a show of hands, 1 party appeared in favor of the application.

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

Motion by Mr. McCabe, seconded by Mr. Workman, and carried unanimously that the special use be **granted for a period of five (5) years**. Vote carried 5 – 0.

Case No. 8195 – James Littleton – west of Road 501, 945 feet south of Road 515.

A variance from the minimum lot width requirement for a parcel.

Mr. Oates presented the case. James Littleton was sworn in and testified requesting a 48.27-foot variance from the required 150-foot lot width requirement for a parcel; that he wants to subdivide for his son and grandchildren; and that to meet the required 150-foot the property line would have to extend in front of his existing dwelling.

By a show of hands, 1 party appeared in favor of the application.

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.

OLD BUSINESS

Case No. 8178 – Mr. and Mrs. William Sykes – south of Road 244, 2 miles east of U.S. Route 113.

A special use exception to operate a commercial dog kennel and a variance from the side yard and rear yard setback requirements.

The Board discussed the case.

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

Meeting Adjourned 8:34 p.m.