

Minutes of May 20, 1996

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, May 20, 1996 in the Court of Common Pleas, 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. Mills, Mrs. Hudson, Mr. Wheatley, Mr. Callaway, Mr. Jones-Attorney, Mr. Betts-Zoning Inspector III and Mrs. Talley-Planning & Zoning Secretary.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the minutes of May 6, 1996 be approved as circulated.

Mr. McCabe read a statement explaining how the Board of Adjustment meetings are conducted.

Case No. 5987--Dean W. Pitmon - South side of Route 508, 186 feet east of Route 509.

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

The case was presented by Mr. Betts. Dean W. Pitmon was sworn in and testified, requesting an 8' variance from the front yard setback of 40' and a 3' variance from the side yard setback of 10', for a double-wide manufactured home and addition that is exiting. He also requested a 10' side yard variance for an unattached shed. Mr. Pitmon stated that the manufactured home was placed on the property in 1990 but the garage existed when he purchased the property. His parents originally owned the property. He owns the property adjacent, where the encroachment exists. His mother lives on an adjacent lot in a single-wide manufactured home.

There were no parties present in opposition.

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

Case No. 5988--Darlene E. Rodgers - South side of Route 335, 1,133 feet east of Route 335A.

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. Darlene E. Rodgers was sworn in and testified, requesting to place a 1988, 14'x 70' manufactured home on property she is purchasing for her use. She testified that the adjacent lots are vacant, but that there are

other manufactured homes in the area. She testified that she will have skirting around the manufactured home.

Mr. Betts stated that the Board had approved other single and double-wide manufactured homes in the area.

There were no parties present in opposition.

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

Case No. 5989--Ann Conaway & Rick Walls - East side of Route 497, 600 feet south of Route 495, Lot 7, within May's Delight.

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. Ann Conaway, Rick Walls and Norwood Walls were sworn in and testified, requesting to place a 1996, 28'x 48' double-wide manufactured home on a permanent foundation on property they are purchasing being Lot 7, May's Delight, for their use. Lots on either side of the proposed property are vacant, but there are other manufactured homes in the area.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mr. Mills and carried unanimously that the special use exception be granted, for a 1996 double-wide manufactured home on a permanent foundation.

Case No. 5990--Robert King - East side of Route 13, 1/4 mile south of Route 18.

A special use exception to operate a golf driving range.

The case was presented by Mr. Betts. Robert King was sworn in and testified and was represented by Alan O'Neal, Attorney, who is also a partner in the venture. Mr. King requested to operate a golf driving range on his property. The existing Barton's Driving Range located in the area is closing. Mr. O'Neal stated that the Highway Department has given entrance approval for the project. They estimate there will be no more than 75 cars total per day. The hours of operation will be 10:00 A.M. to 8:00 P.M. or 10:00 A.M. to 7:00 P.M. or dark. They initially do not plan to have any lighting, but if it is needed, they will set it up on the Route 13 side of the property. The closest house is 900' away and there is

hedgerow between the properties that will knock out any lighting, should it be used. If they do use lighting the hours will be to 9:00 P.M. or 10:00 P.M. It was stated that the existing range had no lights. There will be no netting needed, since there is hedgerow on the property to protect any houses.

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.

Case No. 5991--E. Edward & Lois E. Evans - South side of Route 66, 410 feet west of Route 62.

A special use exception to place a manufactured home to be used as a storage building.

The case was presented by Mr. Betts. E. Claude Edward and Lois E. Evans were sworn in and testified, requesting to use a manufactured home for storage on a farm. Mr. Evans stated that the manufactured home has been gutted and not suitable for a residence. It has not been used for approximately 5 years. The manufactured home has no bath and no kitchen. The unit will be placed more than 600' from the road and will be put behind a building and not seen from Route 62. The manufactured home will not be livable.

There were no parties present in opposition.

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

Case No. 5992--Edna Kay Turner - South side of Route 78, 2,090 feet northwest of Route 80.

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. Edna Kay Turner and James R. Turner, father, were sworn in and testified, requesting to place a new 14'x 70' manufactured home on her property. The property will be deeded to Edna Kay Turner if the request is approved. They testified that there is no problem with the neighbors. Mr. Turner lives in the area.

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.

Case No. 5993--Thomas J. Brennan - North side of Route 632, 1/4 mile south of Route 36, Lot 15, within Mill Run.

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 Ward was sworn in and testified representing the applicant, who requested to place a double-wide manufactured home on property he buying being Lot 15, Mill Run, for his use. Mr. Ward testified that there are three other manufactured homes in the area two on five acres and one the Board approved. He testified that deed restrictions require at least 1200 square feet in size for a manufactured home. This property is the only lot under five acres on this side of the road.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the special use exception be granted for a double-wide manufactured home on a permanent foundation.

Case No. 5994--James J., Jr. & Patricia A. Cannon - East side of Route 206, 600 feet north of Road 211.

A variance from the rear yard setback requirement.

The case was presented by Mr. Betts. James J. Cannon, Jr. and Karen Emory Brittingham, with Charles Murphy Surveyors, were sworn in and testified, requesting a 15' variance from the rear yard setback requirement on property the applicants are subdividing that has an existing building on it. The existing building, a shed, was constructed in 1970, but now the property is being subdivided the shed will be too close to the rear property line. Ms. Brittingham stated that the use will not alter the character of the neighborhood, will not impair the appropriate use and will not be detrimental to the public welfare. Mr. Cannon owns the property to the rear.

There were no parties present in opposition.

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

Case No. 5995--William J. & Norma J. Hastings - East side of Route 82, 1/4 mile east of U. S. Route 113.

A variance from the rear yard setback requirement.

The case was presented by Mr. Betts. William J. & Norma J. Hastings were sworn in and testified, requesting an 18' variance from the 20' rear yard setback to be 2' for construction of a 24'x 30' garage. Mr. Hastings stated that there is no other place on the property to place the garage and meet the setbacks, due to the odd shape of the lot. There is woods adjacent to the property.

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. 5996--Anthony J. Johnson & Carleen B. Morris - North side of Route 486, 140 feet north of Road 20A.
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. Anthony J. Johnson and Carleen B. Morris were sworn in and testified requesting to place a 1996, 24'x 62' double-wide manufactured home on a permanent foundation on property they are purchasing for their use. They testified that there are 4 to 5 other manufactured homes in the area.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mr. Callaway 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. Callaway and carried unanimously that the special use exception be granted for a 24'x 62' double-wide manufactured home on a permanent foundation, finding that the use will not adversely affect the area.

Case No. 5997--First State Community Action Agency, Inc., Child Development Program - Intersection of Route 54 and Route 26.
A special use exception to operate a Day Care Center.

The case was presented by Mr. Betts. Terry L. Pasco affirmed, and represented the case. The applicants requested to operate a Day Care Center. They propose to use existing Church classrooms. They propose 1 Head Start program and 2 Day Care. There will be 40

to 60 children, they will start with 40 children. Ages 3 to 5 will be at Head Start and there will be toddlers, pre-school and some infants at the Day Care Center. The hours at Head Start will be 8:00 A.M. to 4:00 P.M. and 6:00 A.M. to 6:00 P.M. at the Day Care Center. They will have less than 10 employees.

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.

Case No. 5998--Richard S. Baker - South side of Route 277, 1,500 feet east of Route 24, Lots 62 and 63, Block J, Section 2, within Angola By The Bay.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Richard S. Baker was sworn in and testified, requesting a 2' variance from the 10' side yard setback requirement on Lots 62 & 63, Angola By The Bay, for a garage already existing on the property. The garage has been on the property for approximately 7 years and the northeast corner of the garage is too close to the side yard. There is a vacant lot adjacent to the property where the encroachment exists.

There were no parties present in opposition.

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

Case No. 5999--Steve & Brenda Jones - South side of Route 430, 1,500 feet west of Route 427.

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. Steve & Brenda Jones were sworn in and testified, requesting to keep a manufactured home on property they are purchasing. The manufactured home has been on the property for two years and they are purchasing the property with the manufactured home on it. The property is approximately one acre in size. There is farmland on either side of the property.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and

carried unanimously that the special use exception be granted.

Case No. 6000--Keith A. Kuykendall - West side of Route 225, 1,800 feet south of Route 211.

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

The case was presented by Mr. Betts. Keith A. Kuykendall and Cathy Kuykendall were sworn in and testified, requesting a 5' variance from the side yard setback requirement and a 10' variance from the rear yard setback requirement to construct a garage.

There were no parties present in opposition.

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

Case No. 6001--Rachel Lawley - South side of Route 36, 270 feet west of Route 208.

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. Rachel Lawley and Barbara Baker, mother of the applicant, were sworn in and testified requesting to place a new double-wide manufactured home on property for Rachel Lawley's residence. Mrs. Baker stated that there is a mixture of manufactured homes and conventional homes in the area, none placed recently.

Lowell Gordon Folke was sworn in and testified in behalf of the application, stating that he lives directly across from the applicants property and has no objections. He stated that his daughter lives in a double-wide.

James E. Mills, grandfather of the applicant, was sworn in and testified in behalf of the application, stating that he is not opposed. He gave her the lot.

Edward J. Olsen, Melody Olsen, Donald J. Sapp (who presented two letters pertaining to this case), and James F. Chandler were sworn in and testified in opposition.

Mr. Olsen stated that he opposes the manufactured home. He stated that the existing manufactured homes were there before he purchased his property. He is putting a home on his property.

Melody Olsen in opposition, stated that if the manufactured home is permitted it will be in view of their home, and they have invested heavily in their new home.

Donald Sapp owns property and sold property to the Olsen's and Mr. Chandler. He opposed the application.

James Chandler in opposition questioned how many more manufactured homes are to come into the area. He stated that the County has a law for five acres for a manufactured home in this zoning.

Albert W. Baker, father of the applicant, was sworn in and testified in behalf of the application. He stated that the Olsen's have a log cabin and they will not be able to see the manufactured home.

Mr. Betts read the two letters of opposition presented from James A Cartwright, Jr. & John R. & Stephanie L. Baker.

Mrs. Baker stated that the property has been lived on for three generations and her daughter wants to continue to live there.

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 Mr. Callaway, seconded by Mr. Mills and carried unanimously that the case be tabled.

OTHER BUSINESS

Case No. 5574 John J., Sr. & Yvonne R. Parker

Request for a one year extension.

Mr. Betts stated that a letter had been received, which he read into the record, from Mr. Parker requesting a one year extension of his application. He stated that the building in question will be delivered June 24, 1996.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously a one (1) year extension be granted to Case No. 5574.

Case No. 5601 Lindale J.Semans

Request for a one year extension.

Mr. Betts read a letter into the record from Lindale Semans requesting a one year extension for his application.

Motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that a one (1) year extension be granted to Case No. 5601.

Case No. 5595 Eva Phillips

Request for an extension.

Mr. Betts read a letter from Ms. Phillips requesting an extension on her application.

Motion was made by Mrs. Hudson, seconded by Mr. Callaway and carried unanimously that a one (1) year extension be granted to Case No. 5595.

DISCUSSION

Letter from Edward Kay Construction Co., Inc.

Mr. Betts read a letter from Ron Clark, District Manager, for Edward Kay Constructin Co., Inc. pertaining to fuel on the site.

Mr. Jones stated that the Board should not act on the letter that it should be an office enforcement.

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.