

Minutes of May 24, 1993

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, May 24, 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, Mrs. Hudson, Mr. Mills, Mr. Callaway, Mr. Berl-Attorney and Mr. Betts-Zoning Inspector III.

Motion was made by Mr. Callaway, seconded by Mrs. Hudson and carried unanimously that the minutes of May 17, 1993 be approved as circulated.

Case No. 5081--Maude Stevens - South side of Route 392, 2,100 feet west of Route 17.

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

The case was presented by Mr. Betts. Everett Stevens, Jr. was sworn in and testified in behalf of the application, requesting to continue the use of a manufactured home on medical hardship basis for his mother, Maude Stevens. Mr. Stevens stated that a medical hardship still exists and there is no change in the situation.

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, on the basis of hardship for a period of two (2) years.

Case No. 5082--Eloise R. Jenney - North side of Route 413B, 620 feet west of Route 26, Lot 6, within Nentego Manor.

A special use exception to place a second 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. Dale Jenney was sworn in and testified in behalf of the application. Ms. Jenney, the applicant, requested to place a second manufactured home on her property, Lot 6, within Nentego Manor, to be connected to an existing manufactured home to become one single-family unit. The existing manufactured home is a 1985 unit and the second unit will be a 1971 unit. There will be an A-Roof over both units, matching siding and will be enclosed with skirting. There will be only one kitchen. Mr. Jenney expects to complete the work within six months to one year.

There were no parties present in opposition.

Motion was made by Mr. Callaway, seconded, by Mrs. Hudson and carried unanimously that the special use exception be granted, with the stipulation that the work be completed within one (1) year.

Case No. 5083--Jeannette Jack - South side of Route 297, 620 feet west of Route 305.

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

The case was presented by Mr. Betts. Jeannette Jack was sworn in and testified, requesting to continue the use of a manufactured home on medical hardship basis for her mother. She stated that the hardship is still the same.

Mr. Betts read a letter into the record from a doctor referencing Ms. Jack's mother's condition.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously that the special use exception be granted on the basis of hardship for a period of two (2) years.

Case No. 5084--Melvin A. & Gloria M. Fox - East side of Route 258, $\frac{1}{2}$ mile north of Route 260.

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

The case was presented by Mr. Betts. Melvin Fox was sworn in and testified, requesting to place a 28'x 52' double-wide manufactured home on their property on basis of hardship for his mother-in-law and father-in-law to live in. His in-laws need care.

Mr. Betts read a letter from a doctor referencing the mother-in-law and father-in-law's health.

George M. Howard was sworn in and testified that he owns a housing development with homes valued at \$200,000.00 that is adjacent to the applicants property. He stated that he opposes the manufactured home if it could cause damage to his property. He questioned where the manufactured home would be placed.

Motion was made by Mr. Callaway, seconded by Mrs. Hudson and carried unanimously that the special use exception be granted on the basis of hardship for a period of two (2) years.

Case No. 5085--Dorlena A. Purnell - North side of Route 285, 700 feet west of Route 18.

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. Dorlena Purnell and Alfreda Cannon were sworn in and testified, requesting to place a 1970 manufactured home on Ms. Purnell's property for her permanent residence. They testified that the unit is already on the property but not hooked-up. Pictures were presented.

Mr. Betts states that there is an existing house on the property that is to be removed. It is not habitable.

Ms. Cannon stated that there is other manufactured homes in the immediate area, plus homes and a Church. She stated that the house could be removed in approximately one month.

Catherine Bundick was sworn in and testified in behalf of the application and read a letter from the Church and Community in favor of the manufactured home for Ms. Purnell.

Mr. Betts read a letter from Marlene Sholley, Insurance Agent for Ms. Purnell, who visits her and is in favor of the request.

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, with the stipulation that the existing house be removed within three (3) months.

Case No. 5086--Christine Eby - West side of Route One, $\frac{1}{4}$ mile east of Route 274, Lot J-67, within Sea Air Mobile City.

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

The case was presented by Mr. Betts. William Eby was sworn in and testified in behalf of the applicant who requested a 4' variance from the 20' setback between units in a park, being Lot J-67, Sea Air Mobile City to build an addition. He testified that there are similar situations on other lots in the park. He also testified that there is no problem with the park. After reviewing the plot plan it was decided that a 5' variance is needed instead of 4'.

Mr. Betts read a letter in support of the variance from Sea Air Mobile City, Anthony Bryan and Sandra Stintsman.

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, for a 5' variance.

Case No. 5087--William J. & Hiroko N. Goehner - West side of Route 498, 4,700 feet north of Route 24.

A variance from the setback requirements for a commercial poultry house.

The case was presented by Mr. Betts. Hiroko Goehner and Charles T. Phillips, neighbor, were sworn in and testified, requesting a 30' variance from the 50' setback requirement for poultry houses. Mrs. Goehner lives on the property. There is a ditch on the property next to where the chicken houses will go.

Andrew Phillips was sworn in and testified representing his father. He has concern about what will happen when he gets

ready to build a chicken house. He testified that he is not in opposition.

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. 5088--Rehoboth Mall Cinema Southwest side of Route One, on the southeast side of the intersection with Route 24.

A variance from the requirements for signs.

The case was presented by Mr. Betts. Richard Derrickson and Vincent Whaley were sworn in and testified, requesting a 33 square foot variance from the 150 square feet for a sign and to add one additional on premise sign. Mr. Derrickson stated that he is going to convert a portion of the Rehoboth Mall into six movie theaters and needs approval for the signs to advertise. He testified they will not obstruct visibility. The sign will be put at the entrance to the Mall and they will use both sides of the sign.

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. 5089--Randolph E. & Brenda Gooner - East side of Route 113, 650 feet south of Route 527.

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

The case was presented by Mr. Betts. Randolph Gooner was sworn in and testified, requesting to place at least a 1985 or new manufactured home on his property for security for his business. He testified that his daughter will live in the manufactured home. He will place the unit to the rear of the property near the woods. He testified that there has been a couple of break-ins on the property.

There were no parties present in opposition.

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

Case No. 5090--Peggy Holliger - East side of Route 319, 460 feet south of Route 251.

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. Peggy Holliger was sworn in and testified, requesting to place a 1993, 28'x 70' manufactured home on property for her permanent residence. She stated there is a Fish Market and manufactured home on adjoining properties, and

there are other manufactured homes located in the area.

There were no parties present in opposition.

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

Case No. 5091--Jerry D. & Carol A. Lynch - South side of Landing Drive, 350 feet east of Old Landing Road, Lot 85, within The Landing Road.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Jerry Lynch was sworn in and testified, requesting a 3.5' variance from the 15' side yard setback on Lot 85, The Landing Subdivision, to construct a 20'x 36' garage. He testified that the variance has been approved by the Subdivision Association. He also stated that there is another similar situation in the development.

Mr. Betts read a letter from The Landing Architectural Committee, Verity Watson, voicing no objections.

There were no parties present in opposition.

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. Mr. Betts read a letter signed by 7 neighbors in favor of the request. He stated that the letter was overlooked during the hearing.

After some discussion, motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the variance be granted.

Case No. 5092--Glenn Vanover - South side of Route 277, on the northwest side of Bridgeway Drive East, Lot 3, Block V, within Angola By The Bay.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Glenn Vanover was sworn in and testified, requesting a 3' variance from the 10' side yard setback, on Lot 3, in Angola By The Bay. Mr. Vanover proposes to build a screen porch on his lot. He stated that the adjacent lot is vacant. He also stated that the Association approves the variance.

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.

OTHER BUSINESS

Case No. 5080--Harry, Jean & Stephen Seipp

Mr. Betts read a letter from Robert Witsil, Attorney, representing Harry, Jean and Stephen Seipp (Case No. 5080) who were denied a variance at a previous meeting. The letter requests a re-hearing.

After some discussion, motion was made by Mr. Callaway, seconded by Mr. Mills and carried unanimously that the request for a re-hearing on Case No.5080 be denied, since the letter did not meet the conditions for a re-hearing.

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

Meeting adjourned at 7:53 P. M.