

## MINUTES OF JUNE 3, 2002

The regular meeting of the Sussex County Board of Adjustment was held Monday evening June 3, 2002, at 7:00 P.M. in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting as called to order at 7:00 P.M. with Chairman Callaway presiding. The Board members present were: Mr. Callaway, Mr. McCabe, Mr. Wheatley, Mr. Mills, Mr. Hudson, with Mr. Berl – Assistant County Attorney, Mr. Rickard – Chief Zoning Inspector, Mr. Oates – Planning and Zoning Inspector, and Ms. Jackson – Recording Secretary.

Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously to approve the Revised Agenda with the correction to hear Case No. 7728, Deena and Horace Eskridge, Jr. and Case No. 7814, State of Delaware, Stockley Center under other business. Vote carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of May 20, 2002 as circulated. 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. 7815 – Michael Towers** – north of Road 231, 3,100 feet east of Road 226.

A special use exception to retain a manufactured home for storage purposes.

Mr. Oates presented the case. Michael Towers was sworn in and testified requesting a special use exception to retain a manufactured home for storage purposes; that the unit was his residence; that he built a new home and moved the unit to the rear of the property; that the unit does not have a kitchen; and that his personal property will be stored in the unit.

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

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

### **Case No. 7816 – Dorothy Ahern** – east of Road 270, east side of Carriage Lane, Lot 3, within Colonial East Mobile Home Park.

A variance from the separation requirement between units in a mobile home park.

Mr. Oates presented the case. Dorothy Ahern was sworn in and testified requesting a 4-foot variance from the required 20-foot separation requirement between units in a mobile home park; that she received a violation from Franklin Bunting, Planning and Zoning Inspector; that she screened in an existing deck; that her family members built the porch; and that she obtained a permit.

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

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

**Case No. 7817 – Robert F. and Jean M. Avery** – north of Road 299, south side of Long Bow, Lot 2, within Sherwood Forest Subdivision.

A variance from the west side yard setback requirement for a corner lot.

Mr. Oates presented the case. Robert F. and Jean M. Avery were sworn in and testified requesting a 12-foot variance from the required 15-foot corner side yard setback requirement for a proposed 24'x26' attached garage; that there is insufficient space for a garage on the East side of the home; and that the septic field takes up available space behind the home.

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 since it is an odd shaped lot**. Vote carried 5 – 0.

**Case No. 7818 – Doris Elaine Egbert** – north of Route 54, west of Canvasback Road, Lot 88, within Swann Keys Subdivision.

A variance from the side yard setback requirement for an accessory structure.

Mr. Oates presented the case. Doris Elaine Egbert was sworn in and testified requesting a 5-foot variance from the required 5-foot side yard setback requirement for an 8'x10' shed; that 3 sheds have existed on the property over a 23-year period; that she placed the new shed in the same footprint as the existing shed; and that permits were obtained for the sheds.

Mr. Oates read a letter from Roberta Ingham in favor of the application.



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

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

**Case No. 7819 – Colonial East** – north of Route One, east of Colonial Lane, Lot 4, within Colonial East Mobile Home Park.

A variance from the separation requirement between units in a mobile home park and a variance from the maximum allowable lot coverage.

Mr. Oates presented the case. John Starke was sworn in and testified requesting an 8-foot variance from the required 20-foot between units in a mobile home park, a 5-foot variance from the required 20-foot between units in a mobile home park, and a 199-square foot variance from the 35% lot coverage requirement; and that the existing singlewide unit was demolished and replaced with a doublewide unit.

By a show of hands, 4 parties were 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. 7820 – Lewes Fire Department, Inc. and Rehoboth Beach Volunteer Fire Co., Inc.** – northwest of Route 24, 0.8 mile northeast of Road 277.

A special use exception for a commercial tower and a variance from the setback requirement.

Mr. Oates presented the case. Theodore Doyle was sworn in and testified requesting a special use exception for a commercial tower and a 454-foot variance from the required 500-foot requirement from the nearest residential property; that they are in the process of building a new Fire Station on Route 24; that the height of the tower will be 149.5-foot; that the tower will be located on a concrete pad next to the proposed building; that it is a self-supporting tower; and that the tower can sustain winds up to 150 miles per hour.

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

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

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

**Case No. 7821 – Community Lutheran Church** – south of Road 382, intersection of Route 54.

A special use exception to retain a manufactured home for use as an office and classrooms.

Mr. Oates presented the case. Robert Novotny was sworn in and testified requesting a 4-year extension to retain a manufactured home for use as an office and classrooms; that they are in the process of expanding the church; that the expansion of the church should be completed within 2 or 3 years; and that the unit has been moved parallel to Route 54 due to the expansion of the parking lot.

By a show of hands, 4 parties appeared in support of the application.

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

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

**Case No. 7822 – Kent Sign Co. and BCBGMAXAZRIA** – southwest of Route One, south of Road 241.

A variance for a second wall sign.

**No one appeared on behalf of the application.**

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

**Case No. 7823 – Theresa Kothstein** – south side of Route 16, east of Road 277.

A special use exception to place a manufactured home on less than ten (10) acres.

**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 a record of support**. Vote carried 5 – 0.



**Case No. 7824 – Virginia Christopherson** – east of Road 455-B, 1,500 feet south of Road 64.

A special use exception from the provisions and requirements to retain a manufactured home on a parcel.

Mr. Oates presented the case. Clarence R. Adams was sworn in and testified requesting a special use exception from the provisions and requirements to retain a manufactured home on a parcel and a 3,787-square foot variance from the required 32,670-square foot requirement to place a manufactured home on a parcel; that his mother-in-laws doublewide exists on the parcel; that he submitted pictures; that he wants to convey a strip lot to be part of his 2.16 acres; that a chicken house exists on the strip lot; that he stores his tractors in the chicken house; and that a singlewide unit exists on his parcel.

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 special use exception and variance be **granted**. Vote carried 5 – 0.

**Case No. 7825 – James and Patricia Poole** – south of Road 395, north of Bayview West, Lot 24, within Bayview Estates Subdivision.

A variance from the east side yard setback requirement.

Mr. Oates presented the case. James Poole was sworn in and testified requesting a 4-foot variance from the required 10-foot east side yard setback requirement for a 14'x28' attached garage; that he owns the adjacent property; that he obtained a permit; and that Richard Banks, Contractor, will be constructing the garage.

Mr. Oates read a letter from Ronald and Barbara Scheufele in favor of the application.

The Board found that no parties appeared in support of or 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. 7826 – Thomas and Mary Lou Cleaver** – north of Route 22, south of Sea Gull Lane, Lot 32, within Rehoboth Shores Mobile Home Park.

A variance from the north side yard setback requirement.

Mr. Oates presented the case. Thomas and Mary Lou Cleaver were sworn in and testified requesting a 2-foot variance from the required 5-foot north side yard setback requirement for an existing shed; that they obtained a permit; that he measured the setback requirement from a hedge, instead of the property line; and that he received a violation from a Planning and Zoning Inspector.

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

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

**Case No. 7827 – Susan Walsh and Mary Ellen Walsh** – north of Route One, southeast side of Anna B Street, Lot 16, within Dodd's Addition Subdivision.

A variance from the front yard, east side yard, and rear yard setback requirements.

Mr. Oates presented the case. Susan and Mary Ellen Walsh were sworn in and testified requesting a 14.2-foot variance from the required 30-foot front yard setback requirement for a dwelling, a 5.7-foot variance from the required 10-foot east side yard setback requirement for a dwelling, a 1.6-foot variance from the required 5-foot rear yard setback requirement for a shed, and a 2.9-foot variance from the required 5-foot east side yard setback requirement for a shed; that they are moving the dwelling forward 6-foot for the purpose a saving a tree; that they submitted pictures; and that they submitted a letter from Elizabeth Dolan in favor of the application.

Mr. Oates read 5 letters in favor of the application.

Mr. Oates read 1 letter in opposition to the application.

Wilson Catts was sworn in and testified that he is in opposition to the application; that he owns the lot next door; and that it would create a hardship for him and his lot.

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

**Case No. 7828 – Country Life Homes, Inc.** – northeast of Route One, northwest side of Road 258.



A special use exception to replace an existing billboard and a variance from the square footage and height requirement.

Mr. Oates presented the case. Dale Faulkner was sworn in and testified requesting a special use exception to replace a billboard, a 2-foot variance from the required 25-foot maximum height requirement for a sign, and a 600-square foot variance to place a 2<sup>nd</sup> face on the sign; that the billboard had been there for 20 to 30 years; that they would like to replace the wood structure of the sign with a steel structure; that they are in the process of building a new office building; and that he submitted pictures.

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

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

**Case No. 7829 – George W. Paige** – north of Route 24, south side of Robin Hood's Loop, Lot 7, within Sherwood Forest South Subdivision.

A variance from the west side yard setback requirement.

Mr. Oates presented the case. Edward Pardocchi was sworn in and testified requesting 1.4-foot variance from the required 10-foot west side yard setback requirement for a 28'4x55.6' manufactured home; that he purchased the home on March 5, 2002 from George Paige; that a certificate of compliance was issued on January 1, 1992; that the home has been there for 10 years; and that the violation was found when a survey was prepared.

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

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

#### **OTHER BUSINESS**

- 1.) Mr. Rickard advised the Board that he received a letter from Doris Gonzalas, Case No. 7814, Stockley Center, stating that she was at the Board of Adjustment Hearing and did not hear her case called. The Board stated to Mr. Rickard to look at the sign in sheet for the May 20, 2002 Board of Adjustment Hearing and if her name is on the sign in sheet then she can reapply and pay the \$150.00 fee.

- 2.) Mr. Rickard advised the Board that he received a letter from Deena Eskridge, Case No. 7728, asking the Board to reconsider the denial of her case. The Board stated that Mrs. Eskridge has 30-days from the date on the Finding of Facts to appeal their decision.

**Meeting Adjourned 8:22 P.M.**