

## MINUTES OF JUNE 4, 2001

The regular meeting of the Sussex County Board of Adjustment was held Monday evening June 4, 2001, 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. Wheatley, Mr. Mills, Mr. Hudson, with Mr. Berl – Assistant County Attorney, Mr. Rickard – Chief Zoning Inspector, and Ms. Jackson – Recording Secretary.

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously to approve the Revised Agenda with the removal of Case No. 7456, application of S.D. Properties, LLC and Nanticoke Homes and Case No. 7430, the application of Chartan Solsnes. Vote carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of May 21, 2001 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. 7454 – John D. and Martha C. Coffman – northeast of Route One, south of Chesapeake Drive, Lot C-11, within Beachfield Subdivision.

A variance from the rear yard setback requirement.

Mr. Rickard presented the case. John and Martha Coffman were sworn in and testified requesting a 33-inch variance from the required 5-foot rear yard setback requirement for a shed; that the shed has been there for 15 years; that Franklin Bunting, Planning and Zoning Inspector III, violated them; and that they submitted a letter from the Beachfield Home Owner's Association in favor of the application.

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

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

Case No. 7455 – Betty Kelley – north of Road 364, 1,400 feet east of Road 363.

A variance from the lot width requirement for a parcel and a special use exception from the provisions and requirement to retain a manufactured home on a parcel.

Mr. Rickard presented the case. Walter E. Smith, Jr. was sworn in and testified requesting a 74.3-foot variance from the required 150-foot lot width requirement and a

special use exception from the provisions and requirements to retain a manufactured home on a parcel; that the land is owned by his grandmother; that he will be replacing the manufactured home with a dwelling; and that the driveway will be shared.

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 variance and special use exception be **granted with the stipulations that a driveway is to be shared and that the manufactured home must be removed in 1 year.**  
Vote carried 5 – 0.

Case No. 7456 – S.D. Properties, LLC and Nanticoke Homes – west of U.S. Route 13, 1,200 feet north of Road 589-A.

A variance from the side yard setback requirement.

**The case was withdrawn.**

Case No. 7457 – Sean Thompson and Enterprise Rent A Car – southeast of Road 276, 629 feet northeast of Route One.

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

Mr. Rickard presented the case. Sean Thompson was sworn in and testified requesting a special use exception to place a manufactured home type structure as a sales office; that the size of the unit will be 56'x12'; that the area will be landscaped; that they will provide parking on the gravel lot and behind the unit; that the structure is a 2001 model; and that they will need the sales office for at least 3 years.

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 special use exception be **granted for a period of 3 years.** Vote carried 5 – 0.

Case No. 7458 – Walter and Kay Martin – west of Road 348, south side of Indian River Drive, Lot 2, Section 1, within Bay Colony Subdivision.

A variance from the west side yard setback requirement.

Mr. Rickard presented the case. Walter and Kay Martin were sworn in with Tim Willard, Attorney, on behalf of the application, requesting a 0.5-foot variance from the required 10-foot west side yard setback requirement for an existing dwelling; that they submitted a plot survey and pictures; that the original owner built the home 13 years ago and received a certificate of occupancy; that the Martins had a survey completed due to settlement and found that the home was in violation; that the violation was not self created; and that it will not alter the character of the neighborhood.

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. 7459 – Ronald Simonson – north of Road 234-B, 764 feet east of Route 5.

A variance from the east side yard setback requirement.

Mr. Rickard presented the case. Ronald Simonson was sworn in and testified requesting a 1-foot variance from the required 5-foot east side yard setback requirement for a 24'x24' detached garage; and that a variance is not needed for the existing 20'x18' detached garage because it was built in 1966 and is non-conforming.

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**. Vote carried 5 – 0.

Case No. 7460 – Daniel and Lillie Vicari – east of Road 347, west side of Suzon Place, Lot 8, within Bowerset Subdivision.

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

The Board found that no one appeared on behalf of the application.

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

Case No. 7461 – George and Teresa Hanley – east of Road 455, 373 feet south of Road 64.

A variance from the side yard setback requirement.

Mr. Rickard presented the case. George Hanley was sworn in and testified requesting a 7.4-foot variance from the required 15-foot side yard setback for a 22'x22' attached garage; that the garage was built in 1992; that the garage was originally detached, but they remodeled the garage and it is now attached to the home; and that he obtained the building permit.

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

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the case be taken under advisement. Vote carried 5 – 0.

At the conclusion of the public hearing, the Chairman referred back to this case. Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the variance be **tabled until June 18, 2001**. Vote carried 5 – 0.

Case No. 7462 – Ronald W. and Tina L. Cooper – east of Road 341-B, 600 feet north of Road 341.

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

Mr. Rickard presented the case. Ronald and Tina Cooper were sworn in and testified requesting a 10-foot variance from the required 30-foot front yard setback for a porch, a 14-foot variance from the required 30-foot front yard setback for a garage, a 25-foot variance from the required 30-foot front yard setback for a pool, and a 16-foot variance from the required 20-foot rear yard setback for a garage; that it is an odd shaped lot; and that they submitted a picture of what the home will look like when it is completed.

Mr. Rickard noted to the Board that the improvements to the parcel will meet the square footage requirements and that he read a letter from Bake Timmons, Jr., an adjacent land owner, 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 variances be **granted due to the odd shape of the lot and to the previous variances granted by the Board of Adjustment in the area.** Vote carried 5 – 0.

Case No. 7463 – Richard Tikiob – southeast of Road 252, 141 feet southwest of Route 30.

A variance from the front yard setback requirement.

Mr. Rickard presented the case. Richard Tikiob was sworn in and testified requesting a 15-foot variance from the required 40-foot front yard setback for an extension of a living room; that he is squaring off the entire home; and that the home is 45 or more years old.

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. 7464 – Robert Grant – north of Road 302, 3,200 feet east of Road 48.

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

Mr. Rickard presented the case and read a letter from K.T. Mohan, M.D. Robert Grant and William Jones were sworn in and testified requesting a special use exception to place a manufactured home on a medical hardship basis for his sister-in-law to be able to care for his wife, Mae Grant; that they would like to place the unit on the property directly behind them; that his wife, Mae Grant, owns both parcels; that they could not place another home on their property due to their septic system; that Mr. Jones will be giving them a manufactured home; and that the year of the unit is a 1980.

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

Motion by Mr. Wheatley, seconded by Mr. Mills, and carried unanimously that the special use exception be **granted for a period of 2 years.** Vote carried 5 – 0.

Case No. 7465 – Lesa Howard - west of Chestnut Street, 1,160 feet north of Route 5.

A variance from the lot width requirement and the square footage requirement for a parcel.

Mr. Rickard presented the case. Charles Adams, with Adams-Kemp Associates, and Paul Howard were sworn in and testified requesting a 55.57-foot variance from the required 150-foot lot width requirement and a 9,963-square foot variance from the required 32,670-square footage requirement for a parcel; that an Estate from Gladys Brittingham is being settled; that the parcel consists of 6 to 8 acres; that the remainder of the parcel will be conveyed to Donald Brittingham; and that the parcel is supplied with public water by the Town of Milton.

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 variances be **granted**. Vote carried 5 – 0.

Case No. 7466 – Michael P. Marth – northeast of Road 270, east of Lantern Lane, Lot 24, within Colonial East Mobile Home Park.

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

Mr. Rickard presented the case. Michael P. Marth was sworn in and testified requesting a 2.6-foot variance from the required 20-foot separation requirement between units in a mobile home park for a porch on an existing 10'x20' concrete pad; and that the developers of Colonial East Mobile Home Park are in favor of the application.

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.

### **OLD BUSINESS**

Case No. 7425 – Chartan Solnes – northeast of Route One, west of Terrace Road, Lots 8, 9, and part of 42, within Silver Lake Manor Subdivision.

A variance from the rear yard and northeast side yard setback requirement.

This case has been rescheduled for June 18, 2001.

Case No. 7430 – Sharon and Chester Porches, Jr. – northeast of Road 382, 150 feet northwest of Road 340.

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

Mr. Rickard submitted a survey. The Board discussed the case and noted that the lot was only 38-foot wide and questioned why the lot was even recorded. The Board determined that the parcel is not a buildable lot.

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

Case No. 7445 – Joseph Laricci – south of Route 54, west of Grant Avenue, Lot 62, within Cape Windsor Subdivision.

A variance from the south side yard and rear yard setback requirement.

The Board discussed the case. Mr. Rickard noted to the Board that he had Mike Milligan, Planning and Zoning Inspector III, research the area and submitted the research paperwork to the Board and found that 41 variances have been granted in the area.

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the **south side yard variance be denied and that the rear yard variance be granted**. Vote carried 5 – 0.

Meeting Adjourned 8:32 P.M.