

Minutes of June 6, 1994

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, June 7, 1994 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. Jones-Attorney and Mr. Rickard-Zoning Inspector.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the minutes of May 16, 1994 be approved as circulated.

Case No. 5356--Michael Eddinger - South side of Route 277, $\frac{1}{4}$ mile east of Route 24, Lot 1, Block R, Section 3, within Angola By The Bay.

A variance from the side yard setback requirement.

The case was presented by Mr. Rickard. Michael Eddinger was sworn in and testified, requesting a 5' variance from the 15' side yard setback on a corner lot, being Lot 1, Angola By The Bay. Mr. Eddinger stated that he purchased the property August, 1993 and went by the plot plan he was given showing a 10' side yard setback on the corner side of the property. He stated that he would have to reduce the size of his house in order to meet the setback. He also stated that the corner street is a paper road and not used.

There were no parties present in opposition.

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

Case No. 5357--Robert P. Dukes & Louise Altvater - West side of Route 61, at the intersection of Route 424B.

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. Rickard. Robert P. Dukes was sworn in and testified, requesting to place a 28'x 60' double-wide manufactured home on his property for his residence. He testified that there are other manufactured homes in the area and showed a plot of existing homes. The nearest unit is within 200' of his property. He stated that his unit will be placed on a permanent foundation. Pictures were presented.

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. 5358--Jerry Adkins Real Estate - South side of Route 54,
100 feet east of Route 381.

A special use exception to place a manufactured home to be used as a Real Estate Office.

The case was presented by Mr. Rickard. William G. Adkins was sworn in and testified, requesting to place a manufactured home to be used as a Real Estate Office for the sale of subdivision lots. He testified that he has 95 lots remaining. He feels he will need the manufactured home the maximum of two years. He hopes the sale of the lots will be in less time. Mr. Adkins stated that he may remove the manufactured home in the winter months and move it back in the summer if the lots have not been sold. He stated that he had received a letter from Keenwick Sound Homeowners Association stating no objections.

Mr. Rickard read the letter from the Keenwick Sound Association into the record.

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 for a period of two (2) years.

Case No. 5359--Anthony Padula - North side of Route 292, 1,240 feet
east of Route 47.

A variance from the minimum lot width requirement.

The case was presented by Mr. Rickard. Anthony Padula was sworn in and testified, requesting a variance from the minimum lot width requirement to create two lots from a parcel with approximately 20 acres. One parcel will be 1.98 acres more or less and one parcel will be 18.02 acres. The road frontage will be 100' wide and 135.42' wide. There is a house on the property now and a second home to be built. One parcel will be for his in-laws and one for himself.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, 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. Callaway, seconded by Mrs. Hudson and carried unanimously that the case be tabled until the next meeting.

Case No. 5360--Jerry W. Shelton - South side of Route 64, at Route
66, Lot 5, within Villa Park Estates.

A variance from the side yard setback requirement.

The case was presented by Mr. Rickard. Jerry W. Shelton was sworn in and testified, requesting a 1.8' variance from the 10' side yard setback requirement on Lot 5, Villa Park Estates. Mr. Shelton has a double-wide manufactured home that has been on the property for seven years. He was not aware of the encroachment until he went to refinance the property. He found that his unit is too close to the side property line. Mr. Shelton testified that his unit is on a permanent foundation and would be difficult to move. He feels that the unit prior to this one was possibly a single-wide and was replaced by a double-wide.

There were no parties present in opposition.

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

Case No. 5361--Dr. Asher B., Jr. & Pauline B. Carey - South side of Route 381A, 1,600 feet east of Route 382.

A variance from the minimum lot width requirement.

The case was presented by Mr. Rickard. Dr. Asher B. Carey, Jr. was sworn in and testified and was represented by Harold Dukes, Attorney. Mr. Carey requested a variance of 47½' from the front width of his property to create two lots. Each lot will contain 102½' frontage. Mr. Dukes referenced a survey plot and tax maps and explained the location of the property. Pictures of the area were presented.

Mr. Rickard read a letter sent to Mr. Stickels, County Administrator, from Charles R. Hudson, Superintendent of the Indian River School District, who owns property adjacent, voicing no objections. Also a letter sent to the Planning & Zoning Commission from James E. Carey voicing no objections. Letters from Superior Realty, Bethany Beach with five signatures in favor, letter from Superior Home Builders sent to Lawrence Lank, Director of Planning and Zoning, in favor and a letter from Peter DeMarie, II also in favor.

Mr. Robert Wilgus was sworn in and testified in opposition, stating he is a resident of Roxana and a member of the Fire Department. He feels it would be no benefit to the area to create more lots. He feels there would be an impact on the area, there is no sewage, no police and would be a burden on the community and the Fire Department.

Mr. Dukes made reference to the list of property owners names who are adjacent to the property and have no objections.

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. After some discussion, motion was made by Mr. Mills, seconded by Mrs. Hudson, and carried unanimously that the case be tabled until the next meeting.

Case No. 5362--Charles A. & Bonnie J. Zonko - North side of
Route 381A, 1,270 feet northeast of Route
382.

A variance from the minimum lot width requirement.

The case was presented by Mr. Rickard. Charles Zonko and John Ross Harris, Jr., Engineer, were sworn in and testified. Mr. Zonko requested a variance of 27.23' from the 150' lot width requirement to create two lots. The property owned by Mr. Zonko is on the opposite side of the road from the previous application of Dr. Carey. Mr. Zonko wants to subdivide to create two parcels for rental purposes. He proposes to build a house on one lot and leave the other lot vacant for the time being. He owns other property in the immediate area.

John Sparaglione was sworn in and testified in opposition for himself and his mother. He feels the area is over crowded, poor percolation, no sewer and referenced the tax ditches on the property. He stated that the tax ditches have to be kept up and paid for.

Robert Wilgus, sworn in on the previous application (Case No. 5361), testified in opposition to this case also. He stated the same reasons given on the previous case. He also stated that he wants to keep Roxana as it is and people that come into the area want to change things.

Mr. Harris stated that Mr. Zonko is responsible for the tax ditches and waste water disposal since he is the property owner. One parcel will contain 40,000 sq. ft. and one, 1.13 acres. He stated that single family homes would be put on the property.

Motion was made by Mr. Callaway, seconded by Mrs. Hudson 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 Mrs. Hudson and carried unanimously that the case be tabled until the next meeting.

Case No. 5363--Susan & Mark L. Warrington - South side of Route
54, 550 feet southwest of Route 365.

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

The case was presented by Mr. Rickard. Susan Warrington was sworn in and testified, requesting to place a 12'x 60' manufactured home, approximately 10 years old, on her property for her mother to live in and be cared for on medical hardship basis.

Mr. Richard read a letter from a doctor in reference to Mrs. Warrington's mother's health.

Mr. McCabe stated that he would not be voting on this case due to a conflict of interest.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Mills that the special use exception be granted for the basis of hardship for a period of two (2) years, with Mr. McCabe abstaining. Motion carried with four voting in favor and one not voting.

Case No. 5364--Robert & Karen Lesher - Northwest side of Route 224, 1,020 feet northeast of Route 224A.

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. Rickard. Robert Lesher was sworn in and testified, requesting to place a new single-wide manufactured home on property he is purchasing for his residence. He testified that the manufactured home will be used part-time until he retires. It will not be used for rental purposes.

Donald Custer was sworn in and testified that he is not opposed to the manufactured home, but is concerned where it will be placed on the property. He wants the manufactured home placed back off the road.

Mr. Lesher testified that he will put the manufactured home back from the road 400 to 500 feet, where there is a present sewer system and electric.

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, with the stipulation the manufactured home be placed a minimum of 400 feet back away from the road.

Case No. 5365--John G. Young - East side of Route 627, 1,100 feet north of Route 215.

A variance from the minimum lot width requirement.

The case was presented by Mr. Rickard. John G. Young was sworn in and testified, requesting a variance of 50' from the 150' lot width requirement to create a lot.

Gwen Sherman was sworn in and testified in behalf of the application stating that Mr. Young has a lady who wants to build a FFA home on the property and the approval will be for no more than one acre. He lives on the rear of the property

Mr. Young stated that he has plans to subdivide the rear of the property sometime in the future and realizes that he would have to provide and have approved a 50' right of way.

There were no parties present in opposition.

Motion was made by Mr. Callaway, 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. After some discussion, motion was made by Mr.

Callaway, seconded by Mrs. Hudson and carried unanimously that the variance be granted.

Case No. 5366--Larry Rickards - West side of Route 424, 875 feet north of Route 61.

A variance from the side yard setback requirement.

The case was presented by Mr. Rickard. Larry Rickards and Edith Rickards were sworn in and testified, requesting a 9' variance from the 15' side yard setback requirement for a proposed garage. Mr. Rickards stated that he asked for a 9' variance but now only needs a 5' variance. He testified that there is no other place to put the garage on the property due to the property situation and septic system. He also has a swimming pool on the property. The garage will be 26'x 36' in size.

Mr. Rickard read a letter from Leroy Wilkerson in favor of the application.

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. 5367--David Mitchell - North side of Route 341, 400 feet west of Route 341A.

A special use exception to place a second manufactured home on farm.

The case was presented by Mr. Rickard. David Mitchell was sworn in and testified, requesting to place a 14'x 60' or 70' manufactured home on his grandmother's (Mabel Hudson) farm. This will be the second on farm manufactured home. His mother occupies the existing manufactured home. Mr. Mitchell stated that he does not have the unit as yet, but proposes to buy the size he stated.

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. 5368--Conrad E. Bunting - South side of Route 58, 890 feet east of Route 390.

A variance from the minimum lot width requirement.

The case was presented by Mr. Rickard. Conrad E. Bunting was sworn in and testified, requesting 4 variances of 31.12' from the 150' lot width requirement, to create 4 equal parcels with each having frontage of 118.88'. The property was previously approved for a driving range but did not materialize. The property is for sale. Mr. Bunting stated that there is a business on either side of the property. The lots will be 2.52 acres, 2.67 acres, 2.78 acres and 3.75 acres, in size.

There were no parties present in opposition.

Motion was made by Mr. Callaway, 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. After some discussion, motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the case be tabled until the next meeting.

OTHER BUSINESS

Case No. 5004 - William Wolter

Request for an extension.

Mr. Rickard stated that a letter had been received by Mr. Wolter requesting a rehearing on his case that expired on February, 1994.

Mr. Jones stated that since the case has already expired, the Board cannot grant an extension.

It was the decision of the Board that the applicant reapply.

Case No. 5324 - Wyoming Concrete

Mr. Rickard stated that the opponents have requested that the case be reheard.

Mr. Jones stated that the Attorney, Jim Fuqua, would have to send a letter and has ten days to do so. He referenced the Board of Adjustment rules.

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

Meeting adjourned at 8:24 P. M.