

Minutes of June 17, 1996

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, June 17, 1996 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, 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 June 3, 1996 be approved as circulated.

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

Case No. 6029--John E. Lingo, Jr. - East side of Route 275, .8 mile east of Road 276, Lot 1, within the Plantations.

A special use exception to place a manufactured home to be used as a temporary sales office.

Mr. McCabe, Chairman, stated that since a letter had been received from the applicant to withdrawl his application he would hear this case first.

The case was presented by Mr. Rickard. He stated that a fax had been received from John E. Lingo, Jr. withdrawing his application.

Since there were no interested parties present at the beginning of the meeting, Mr. McCabe held the case open until its proper time on the agenda, for interested parties who might attend.

Case No. 6017--Annette Wynder - East side of Route 638, 1/2 mile south of Route 40.

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. Annette Wynder was sworn in and testified, requesting to place a new 28'x 48' double-wide manufactured home on property for her use. She testified that there are two single-wide manufactured homes across the street from her property, a vacant lot and house on either side. She testified that the manufactured home will be placed on a permanent foundation.

Rita Pasano was sworn in and testified in opposition and presented a petition of signatures in opposition of people on Route 638. She testified that they were told five acres was needed to put a manufactured home on. She feels if the manufactured home is placed more could come. She does not want a manufactured home park started and wants to keep within the guide lines of the County.

Hugh George Phillips was sworn in and testified in opposition stating that the two manufactured homes in the area are on five acres and that one of the manufactured homes is temporary until a house is built.

John C. Glanden was sworn in and testified in opposition stating that he had to have five acres for his manufactured home and he feels it is not right to put a manufactured home on 2 1/2 acres.

George G. Smith was sworn in and testified in opposition that he has five acres and had to sign a paper stating one manufactured home or one house.

Lawrence Cannon was sworn in and testified in opposition stating that the property was previously farmland and sold off. He stated that it was to be sold in five acre parcels.

By a show of hands there were 16 people present in opposition.

Garland Ayers was sworn in and testified what he had been told about the difference between manufactured homes and homes. He explained that the applicants would have cedar siding.

Mr. Cannon stated that there is not supposed to be any manufactured homes on the property.

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. Callaway, seconded by Mrs. Hudson and carried unanimously that the case be tabled.

Case No. 6018--Margaret J. Cohee - South side of Route 209, 1,450 feet northwest of Route 209A.

A variance from the minimum lot width requirement.

The case was presented by Mr. Rickard. Margaret J. Cohee was sworn in and testified requesting a 99.99' variance from the 150' lot width requirement and a variance of 50' from the minimum lot

width requirement to create a new parcel. She feels her property is large enough for two parcels. She will live on the property. There will be a house on the front lot and a house on the back lot.

Mr. Rickard stated that no correspondence has been received pertaining to this case.

John Francis Saxon was sworn in and questioned what kind of house would be placed on the property. He voiced concern that the property is too small. He stated that he is opposed to a manufactured home or double-wide.

Mr. McCabe explained that a manufactured home could not be placed on the property without a public hearing.

E. D. Crisman was sworn in and testified and questioned subdividing the property. He also questioned if a proper septic could be put on a smaller lot.

Ms. Cohee stated that she does not want to put a manufactured home on the property.

Motion was made by Mr. Mills, 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. Mills, seconded by Mrs. Hudson and carried unanimously that the variance be granted, with the stipulation that a stick-built home only, be put on the property.

Case No. 6019--Timothy & Kimberly Kirby - East side of Route 434,  
138 feet north of Route 472, Lot 8N,  
within Trinity Meadows.

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. Kimberly Kirby was sworn in and testified, requesting to place a 1996, 28'x 60' double-wide manufactured home on a permanent foundation, on property they are purchasing for their own use. The property being Lot 8N, within Trinity Meadows. Mrs. Kirby stated that there are approximately 10 other manufactured homes in the area. There is a vacant lot and a manufactured home on either side of the property they are purchasing.

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 for a double-wide manufactured home on a permanent foundation.

Case No. 6020--Samuel & Jeanette M. Brittingham - South side of Route 565, 392 feet west of Penn Central.

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. Samuel & Jeanette M. Brittingham were sworn in and testified, requesting to place a new 28'x 56' double-wide manufactured home on a permanent foundation on property they are purchasing for their residence. They stated that there are approximately 5 other manufactured homes in the area. There is a double-wide manufactured home and a stick-built house on either side of their property.

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 new double-wide manufactured home on a permanent foundation.

Case No. 6021--Melissa K. O'Bier - North side of Route 31, 850 feet east of Route 574.

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. Melissa K. O'Bier and Paul G. Carey were sworn in and testified. The applicant requested to place a 1996, 14'x 72' manufactured home on her property for her use. It was stated that there are other manufactured homes in the area, that the area is predominately manufactured homes.

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, finding that the use will not adversely affect the neighborhood.

Case No. 6022--Harry & Madeline Dice - West side of Route 570, one mile south of Route 16, Lot 7.

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. Harry Dice and Ted Liszewski were sworn in and testified. Mr. Dice requested to place a new 2,000 sq. ft. double-wide manufactured home on property he is purchasing for his use. He testified that the unit will be placed on a permanent foundation. It was also stated that there are other manufactured homes in the area. Pictures and a letter were submitted. Mr. Liszewski the owner of the property stated that there are six other lots available for purchase.

A petition and letters from William Hughes, Jr. and J. Emory Williamson in opposition were presented. A letter was received from Leroy VanVorst in favor of the application.

Lee S. Daugherty, who lives in the area, was sworn in and testified in opposition. Mr. Daugherty stated that he purchased property with deed restrictions pertaining to manufactured homes. He looked at the pictures that had been presented and explained where the existing manufactured homes are located. He stated that a precedent was set 10 to 12 years ago by the Board not to permit manufactured homes. He feels a precedent will be set and would like the area to stay residential.

Michael Negrin was sworn in and testified in opposition, stating that he was denied a special use exception, and does not want his property devalued with a double-wide manufactured home.

Michael Brown who owns 11 acres and abuts up to the applicants property, was sworn in and testified in opposition. He testified that he had a manufactured home for 18 months and built a home. He does not want a manufactured home next to him. He wants a stick-built or modular home.

George H. Torbert was sworn in and testified that he has 87 acres in the area and he is opposed to the requested manufactured home. He is building a home and will have an investment of \$300,000. He stated the law states five acres for a manufactured home in his area.

Jeff Christopher who has 26 acres and lives on Route 570, was sworn in and testified in opposition. He has built a brick home and he feels the manufactured home will devalue his property. He feels the manufactured home will set a precedent for more to come. He considers the area residential.

Tonya M. Breeding was sworn in and testified in opposition, stating that she built a 2500 sq. ft. house on property she

purchased from Mr. Liszewski. She stated that there were to be restrictions placed on the property. She stated that she would not have purchased the property if she had known manufactured homes would be going in the area. She does not want her property devalued.

Mr. Dice stated that he is spending \$85,000 for what he wants to do. He stated that there are other double-wide manufactured homes in the area, he could understand the opposition if there were no other manufactured homes in the area.

Brian Breeding was sworn in and testified questioning the guide lines from Mr. Liszewski.

Mr. Dice stated that he now owns the property and knew the restrictions before he bought it.

Motion was made by Mr. Mills, 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 special use exception be denied, finding that the use would have an adverse affect on the surrounding area and the opposition.

Case No. 6023--Joe Louis & Queene Laster - Northwest side of Route 232, at the intersection of Route 232B.

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. Queene Laster and Arthur Lee Laster were sworn in and testified, requesting to place a double-wide manufactured home on a permanent foundation on their property for their use. It was stated that there are other manufactured homes and a cemetery in the area. Since the property has a portion of it in the Town of Ellendale, they stated that the manufactured home would be placed in the area of the property located in the County.

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 for a double-wide manufactured home on a permanent foundation.

Case No. 6024--Sea Colony Development, Inc. West side of Route 361,  
south of Bethany Beach, on the north side  
of West Way, 800 feet west of West Lake  
Court, within Sea Colony West.

A variance from the front yard setback requirement.

The case was presented by Mr. Rickard. Phillip J. Anthony was sworn in and testified representing the application. The applicants requested a variance for Unit 13 of Cluster #2, Phase 17, that encroaches 9' into the 30' front yard setback requirement. Mr. Anthony stated that Sea Colony is introducing something new, cluster homes, that are single family homes. On one unit a corner encroaches too close. Originally they started with 9 houses in the cluster, but moved the houses to provide for other things. When the houses were moved the corner of one house is too close to the front yard. He stated that there is no intent to make a four lane highway.

Joseph McHugh was sworn in and questioned if the variance would impact anything in the Sea Colony West setback.

Mr. Anthony stated that the use will be 1200' from any property lines in Sea Colony West.

Mr. McHugh after viewing the map and having everything explained to him, had no opposition.

There were no parties present in opposition.

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

Case No. 6025--Susan M. Wills - South side of Route 277, 1/4 mile  
east of Route 24, Lot 3, Boat Dock Drive,  
within Angola By The Bay.

A variance from the side yard setback requirement.

The case was presented by Mr. Rickard. Susan M. Wills was sworn in and testified, requesting a 1 1/2' variance from the side yard setback on Lot 3, within Angola By The Bay for a shed. She testified that she has a house on a pie shaped lot, with wetlands behind her and septic in the front. This would be the only location to put the shed. There is also an unsold wooded lot on one side. She stated that she also has to have the variance reviewed by the Angola By The Bay Planning Committee.

There were no parties present in opposition.

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

Case No. 6026--Pine Acres, Inc. North side of Route 22, 1,000 feet north of Route 22 and south of Guinea Creek, within Leisure Point MHP.

A variance from the side yard setback requirement.

The case was presented by Mr. Rickard. George H. Harrision, Jr. was sworn in and testified, requesting a 10' variance from the 15' side yard setback requirement to allow an attached garage to be 5'. He proposes to attach the garage to his house.

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. 6027--Elizabeth A. Reibsome East side of Route 38, 940 feet north of Route 224.

A variance from the minimum lot width requirement for a new parcel.

The case was presented by Mr. Rickard. Elizabeth A. Reibsome and Eugene Draine were sworn in and testified, requesting a 100' variance from the 150' road frontage to create a new parcel. Mr. Draine stated that it is a family situation and relatives want to build a home on the property. There is a stick-built home on either side of the property. Mr. Draine testified that Ms. Reibsome's father is giving up 37' of his property and he is giving up 17' of his property to create the 50' R.O.W. to the new parcel. The new parcel is to be five acres.

Richard E. Douglas, representing The Meadows on Cabbage Pond, was sworn in and questioned what type of home will be put on the property and the property size.

Mr. Draine stated that a modular home on a permanent foundation will be put on the new parcel.

Claude P. Chapman was sworn in and testified, questioning whether the use will compromise the Meadows.

Mr. Draine replied that it would not.

There were no parties present in opposition.

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 Mrs. Hudson and carried unanimously that the variance be granted.

Case No. 6028--Michael & Athena Kranias - South side of Route 361A, 250 feet west of Route One, Lot 1, within Ocean Pines.

A variance from the front yard setback requirement.

The case was presented by Mr. Rickard. Michael & Athena Kranias was sworn in and testified, requesting a 6' variance from the 40' front yard setback on Lot 1, within Ocean Pines. The applicants propose to build decks that would make watching the children easier since there is a road and buildings in front.

There were no parties present in opposition.

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

Case No. 6029--John E. Lingo, Jr. - East side of Route 275, .8 mile east of Road 276, Lot 1, within the Plantations.

A special use exception to place a manufactured home to be used as a temporary sales office.

The case was once again presented by Mr. Rickard. The case was presented at the beginning of the meeting, but held open for any interested parties to appear. Mr. Rickard read a fax received from the applicant withdrawing his application.

There were no parties present in behalf of the application and no interested parties present for or against the application.

Mr. Jones, Attorney, reminded the Board that a withdrawal must be received two days before the meeting.

Motion was made by Mr. Mills, seconded by Mr. Wheatley and carried unanimously that the special use exception be denied due to no representation, and the request to withdraw the application be denied because it does not state any cause or reason for the withdrawal and was not received two days prior to the meeting.

Case No. 6030--Darl V. Chaffinch - Northwest side of Route 575,  
1,050 feet northeast of Route 575B.

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

The case was presented by Mr. Rickard. Darl V. Chaffinch was sworn in and testified, requesting to place a second manufactured home on his property for his daughter's residence. The manufactured home will be a 24'x 68' double-wide. Mr. Chaffinch stated that he and his son live in the existing manufactured home. The existing manufactured home is a single-wide unit. Mr. Chaffinch stated that the new unit will not be on a permanent foundation but will have skirting. When asked if there would be a problem with putting the manufactured home on a permanent foundation, Mr. Chaffinch stated that he preferred not to in case he wanted to move it.

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. 6031--Howard Crew, Jr. - South side of Route 16, 180 feet  
east of Route 595.

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. Howard Crew, Jr. was sworn in and testified, requesting to place a manufactured home on property for his brother. He proposes to give his brother 2 1/2 acres. The land and manufactured home will be in his brother's name. Mr. Crew stated that he is subdividing property into two parcels each containing 2 1/2 acres. He presently has a manufactured home on the property. His manufactured home will be on a 2 1/2 acre parcel and his brother's will be on a 2 1/2 acre parcel. He testified that there are other manufactured homes in the area.

It was explained to Mr. Crew that if he subdivides the property into two parcels and leaves his parcel less than five acres he too would need a public hearing to keep his manufactured home legal.

Mr. Crew questioned if he would have to reapply for himself.

It was decided to take the matter up with Lawrence Lank, Director of Planning and Zoning and get back with Mr. Crew.

Motion was made by Mr. Wheatley, seconded by Mr. Callaway and carried unanimously that the special use exception be granted for one manufactured home.

OLD BUSINESS

Case No. 6011 (cont'd.)--Irene & George Conrad - South side of  
Route 361A, 1/4 mile west of Route One,  
Lot 16, within Ocean Pines.

A variance from the side yard setback requirement.

The case was reviewed by Mr. Rickard.

After some discussion, motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that the variance be granted, with the stipulation that the applicants maintain a 10' right-of-way across the property, finding the property is a unique small shaped parcel, it could be developed with a 2 story house but it would not be in character with the area, the requested variance would not alter the character of the area, the applicant did not create the situation and the minimum amount of variance was requested.

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

Meeting adjourned at 9:05 P. M.