

Minutes of June 20, 1994

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, June 20, 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. Betts-Zoning Inspector III.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the minutes of June 6, 1994 be approved as circulated.

Case No. 5373--Melvin L. Joseph - North side of Route 322, 3,330 feet west of Route 432.

A special use exception to operate an asphalt batching plant.

The Chairman opened the meeting for Case No. 5373, due to the large number of interested people being present.

Mr. Betts read a letter from Joe Ann Adams, Vice President, Melvin L. Joseph Construction Co., dated June 16, 1994 and received by the Planning and Zoning Office on June 17, 1994, withdrawing their application, Case No. 5373.

Mr. Jones, Attorney, explained that since the letter was not received two full working days prior to the public hearing, the Board must vote on the withdrawal request.

Elizabeth Olsen, Attorney for the opposition, requested to speak before the Board made its decision. She requested that since Mr. Joseph was not present he not be allowed to submit a new application for one year, if they vote to accept the withdrawal.

Mr. Jones clarified the Zoning Code pertaining to withdrawals.

Mr. Betts stated that the Planning and Zoning Office did not receive the letter from Joe Ann Adams until June 17, 1994.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously to allow Case No. 5373 to be withdrawn with the stipulation that the applicant, Melvin L. Joseph, cannot reapply for a period of one (1) year.

Case No. 5369--Pamela Durando - East side of Route 493, 144.46 feet north of Route 78.

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. Pamela Durando was sworn in and testified, requesting to place a 1995, 14'x 80' manufactured home on property for her use. She testified that there are other manufactured homes and conventional homes in the area.

Mr. Betts read a letter of opposition into the record from Mr. & Mrs. Allen Rogers, Jr.

William David Lambrose, Phillip Thompson, John McLaughlin, Jack Lynch and Brian Edmondson were sworn in and testified in favor of the application. It is their feeling that the applicant will keep the area nice.

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, finding that the use will not substantially affect adversely the uses of adjacent and neighboring property.

Case No. 5370--Sharon Godwin & Marty Weller - West side of Route 30, $\frac{1}{2}$ mile north of Route 48.

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. Sharon Godwin was sworn in and testified, requesting to place a new 1994, 26'x 66' double-wide manufactured home on property she is purchasing for her use. She testified that there is another manufactured home in the area, houses and cemetery.

Robert Givens, seller of the property, was sworn in and testified in behalf of the application. He stated that the applicants propose to have an A-Roof and permanent foundation on the unit. He testified that there is going to be other double-wide units going in the area.

William F. Godwin, father of the applicant, was sworn in and testified in behalf of the application. He stated that he would like to see the application approved for his daughter.

There were no parties present in opposition.

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

Case No. 5371--William C. Calloway - North side of Route 494, 3960 feet west of Route 493.

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

The case was presented by Mr. Betts. William Callaway was sworn in and testified, requesting to place a second manufactured

home on his 44 acre farm for his daughter's residence. He stated that he feels the manufactured home would not disturb anyone.

Mr. Jones explained to the applicant that the manufactured home cannot be used for rental purposes. It would have to be occupied by a family member or employee.

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. 5372--Kenny & Kelly Willey - North side of Route 451,
640 feet southeast of Route 13.

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. Kenney Willey was sworn in and testified, requesting to keep a manufactured home on property to be subdivided and deeded to him. The manufactured home was placed on the property as an on farm unit and the applicants are being deeded a parcel of land less than five acres with the manufactured home. Therefore, Board approval is needed for the unit to remain. The unit was placed on the property two years ago.

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.

OLD BUSINESS

Case No. 5359 (cont'd.)--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 reviewed by Mr. Betts.

After some discussion, motion was made by Mrs. Hudson seconded by Mr. Mills and carried unanimously that the variance be granted, finding the use will not alter the essential character of the neighborhood, property unique due to narrowness, hardship not created by the applicant and the minimum variance requested.

Case No. 5361 (cont'd.)--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 reviewed by Mr. Betts.

After some discussion, motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the variance be denied, finding the applicants had not met the requirements for the granting of a variance and had not shown that the property cannot be developed to conform or shown a hardship.

Case No. 5362 (cont'd.)--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 reviewed by Mr. Betts.

After some discussion, motion was made by Mr. Callaway, seconded by Mr. Mills and carried unanimously that the variance be granted, finding the use will not have an adverse affect on the area, property cannot be developed without a variance the way it is designed and the use will not affect land values.

Case No. 5368 (cont'd.)--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 reviewed by Mr. Betts.

After some discussion, motion was made by Mrs. Hudson, seconded by Mr. Callaway and carried unanimously that the variance be denied, finding the applicant had not met the requirements for the granting of a variance and the property can be subdivided into three lots and meet the 150' required road frontage and the applicant created his own hardship.

DISCUSSION

Mr. Jones explained the status of the Wyoming Concrete request for a rehearing by the opponents.

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

Meeting adjourned at 8:10 P. M.