

Minutes of June 21, 1993

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, June 21, 1993 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. Wheatley, Mrs. Hudson, Mr. Mills, Mr. Callaway, Mr. Berl-Attorney and Mr. Betts-Zoning Inspector III.

Motion was made by Mr. Wheatley, seconded by Mr. Mills and carried unanimously that the minutes of June 7, 1993 be approved as circulated.

Case No. 5105--Kenneth L. & Robert E. Webb - Southwest side of Route 603, 1,220 feet southeast of Route 632.

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

The case was presented by Mr. Betts. Robert Webb was sworn in and testified, requesting to place a second manufactured home on his 22.75 acre farm for his daughter to reside in. The existing manufactured home is occupied by another daughter. Mr. Webb stated that his daughter will help work on the farm. The manufactured home will be a 1993, 14'x 80' unit. He testified that there are other manufactured homes in the area within $\frac{1}{4}$ mile.

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. 5106--Emma Jean Givens - West side of Route 479, 433 feet north of Route 465.

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. Emma Jean Givens was sworn in and testified, requesting to keep her manufactured home on a parcel 100'x 201', Lot No. 3, which is less than five acres. The applicant has 9.13 acres with a manufactured home. She wishes to subdivide out a lot with the manufactured home for her residence and sell the remaining acreage to her daughter who lives adjacent to her. Her son and daughter have homes on either side of her property.

Job Culver was sworn in and testified in opposition. He stated that he was not opposed to the manufactured home, but to what the remaining property is to be used for, such as a chicken house. He also stated he is opposed to a manufactured home on less than five acres.

It was explained to Mr. Culver that the Board can only consider the request before them, not what the remaining property is to be used for.

Lacey Givens was sworn in and testified in opposition to what the remaining property is to be used for. She is not opposed to what Mrs. Givens proposes to do, only the possible remaining property use being a chicken house.

Jean Holston was sworn in and testified in opposition stating she feels the same as the people who previously testified.

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. Mills, seconded by Mr. Wheatley and carried unanimously that the special use exception be granted, finding the use will not have a detrimental affect on the area.

Case No. 5107--James Cronic & Darlene Reed - Northeast side of Route 233, 820 feet south of Route 235.

A variance from the rear yard setback requirement.

The case was presented by Mr. Betts. James Cronic was sworn in and testified, requesting a 15' variance from the 20' setback requirement from the rear property line. The applicant has an addition on his property that encroaches into the rear yard setback and proposes to build a porch that will also be too close to the rear property line. He is requesting a variance to be able to place the porch in the proposed location and keep the addition as it is. He had a builder do his work and take care of the permit. There is farmland adjacent to his rear property.

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. 5108--Gregory & Brenda Smith - South side of Route 523, 1,290 feet southeast of Route 522A, Lot 1, within Rumbridge Acres.

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. Gregory & Brenda Smith were sworn in and testified, requesting to place a 1985, 14'x 70' manufactured home on property they are purchasing for their residence, being Lot 1, Rumbridge Acres. They testified that there are other manufactured homes located in the area.

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. 5109--Randolph & Lorrie Jones - South side of Route 523,
1,050 feet east of Route 522A, Lot 3,
within Rumbridge Acres.

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. Randolph & Lorrie Jones were sworn in and testified, requesting to place a manufactured home on property they are purchasing for their residence, being Lot 3, Rumbridge Acres. They testified there are other manufactured homes in the area.

The Chairman requested that testimony from Case No. 5108 be incorporated in this case.

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. 5110--Anita C. Heacock - South side of Route 451, 1.14 miles east of Route 66.

A special use exception to place a manufactured home to be used for storage.

The case was presented by Mr. Betts. Anita Heacock was sworn in and testified, requesting to use a 10'x 50' manufactured home for storage. She plans to store furniture and out season things in the unit. The manufactured home has been on the property for six years. It is not liveable. There are other storage buildings on the property. The unit will be skirted if it is required by the Board. It will not be hooked up to utilities, no one will live in it and it will remain on the property as it is now.

Anita Heacock Feaster was sworn in and testified in behalf of the request stating the manufactured home could be taken off the cinder blocks and put straight down on the ground if needed.

Gary R. Armstrong was sworn in and testified in behalf of the applicant. He stated that to put the manufactured home flat on the ground could cause problems, and she should not have to put skirting around the unit if she cannot afford to.

When asked by the Board, Ms. Heacock stated that a three year period to use the manufactured home for storage would be sufficient.

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 for a period of three (3) years, and no skirting is required.

Case No. 5111--Frank L. & Esther Perri - North side of Route 64,
400 feet west of Route 70.

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

The case was presented by Mr. Betts. Frank & Angelo Perri were sworn in and testified, requesting to place a 1991 manufactured home on Frank Perri's property on basis of hardship for his son to live in. Mr. Frank Perri lives on the property in a 28'x 64' double-wide manufactured home and needs his son to move on the property to care for him since he has an illness. His son's manufactured home will be put behind his double-wide. They stated the property on either side is vacant and the nearest manufactured home is approximately $\frac{1}{4}$ mile away.

Tony Nero was sworn in and testified in behalf of the request stating he owns adjacent properties and has no objections.

Mr. Betts read a letter from a doctor referencing Mr. Perri's health.

It was explained to the applicant that if approved it would have to be reapplied for every two years as long as the hardship exists. When the hardship ceases to exist the unit must be removed.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the special use exception be granted on the basis of hardship for a period of two (2) years.

Case No. 5112--Marion F. & Lillian H. O'Neal - Northwest intersection
of Route 470 and 482.

A special use exception to place a manufactured home to be used for storage.

The case was presented by Mr. Betts. Wayne S. O'Neal was sworn in and testified, representing the applicants who are his grandparents. The applicants requested to use a manufactured home that has been on the property for three years for storage. Mr. O'Neal stated that his grandparents have accumulated a lot of things that they do not want to get rid of and they need storage space. He stated that there are buildings on the property that are deteriorating.

In answer to the Board's questions, Mr. O'Neal stated that there were some vehicles on the property that were in violation and need to be removed.

Kelly Jean O'Neal was sworn in and testified in behalf of the application, stating she lives nearby to help take care of the applicants.

There were no parties present in opposition.

Motion was made by Mr. Wheatley, 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 Mr. Wheatley and carried unanimously that the special use exception be denied, finding the use will be a detriment to the area and there are violations on the property.

Case No. 5113--Anthony E. & Rosemarie De Guisepe - North side of Marina Court West, $\frac{1}{4}$ mile east of Route 24, Lot 37, within Angola By The Bay.

A variance from the rear yard setback requirement.

The case was presented by Mr. Betts. Anthony De Fuissepe was sworn in and testified, requesting a 9.5' variance from the 20' rear yard setback requirement for an existing house. The property being Lot 37, Angola By The Bay. Mr. De Guisepe stated that the house was constructed in 1981, but he did not purchase the house until 1983. The encroachment was never discovered until he went to record the deed after refinancing and having it resurveyed. Planning and Zoning discovered the error. A permit had been issued in 1981 with a 10' rear yard setback.

A letter was read into the record by Mr. Betts, from the Angola By the Bay Organization, voicing no objections.

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. 5114--Lewes Farmers Market/Sal Gallo - South side of Route One, at the intersection with Route 268.

A variance from the requirements for signs.

The case was presented by Mr. Betts. Lynn J. Rogers, who will install the sign, was sworn in and testified, representing the application. The applicants are requesting a variance from the 100 square foot requirement for a wall sign to place 4' letters on the mansard roof of a 23,000 square foot building to be used for a Farmers Market. The building sets back from Route One approximately 400', therefore, a smaller sign on such a large building would not be seen from the highway. The sign will be lighted with white letters, but will be down below the roof line. It will only be visable from the front, which will face Route One.

Gary R. Armstrong, resident of Rolling Meadows, an adjacent housing development was sworn in and testified in opposition to the sign. He feels there are now many signs in the area and if this is permitted, more will come. He is opposed to it being near Rolling Meadows. He wants the sign to stay within the requirements of the law.

Sherwood I. Dively, who lives in Rolling Meadows, was sworn in and testfield in opposition, referencing another business in the area (Lowe's). He is opposed to the sign unless it is smaller.

Mr. Armstrong stated he feels the sign along with the use of the property will devalue his property.

William Howard Brown was sworn in and testified in opposition, stating he is concerned about going into the development and is opposed to too many signs.

Sara Brown, owner in Rolling Meadows was sworn in and testified

in opposition to flashy or carnival like signs.

Mr. Rogers stated that flashing signs are not permitted.

Charles Carrere property owner in Rolling Meadows, was sworn in and testified in opposition to a longer sign. He stated that the entrance into the market is a dangerous entrance where 3 fatalities have occurred. He feels there should not be another distraction, because a longer sign takes longer to read. He does not want anymore signs than are permitted.

Ernestine Armstrong of Rolling Meadows, was sworn in and testified in opposition, stating that the Farmers Market building is tasteless to the area and a lighted sign will make it worse.

Betty Gallo was sworn in and testified in behalf of the application. She testified that there is 16 commercial acres where the Flea Market is located and it will eventually be a shopping center. She does not feel the sign will detract, because it is so far from the road. She stated that a shopping center is planned when the sewer goes in.

Mr. Armstrong questioned if there was a plan for a shopping center.

Mrs. Gallo stated she does not have a plan for a shopping center, but will utilize the property. She stated that the property will not set idle.

Anna Paprocki was sworn in and testified in opposition to the entrance, not the sign. She stated the entrance to the Flea Market is the same for Lowe's and Rolling Meadows.

Mrs. Gallo stated that in regards to the entrance, they will have to do whatever the State Highway Department says.

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

Case No. 5115--Mr. & Mrs. Robert Lloyd - North side of Route 54,
½ mile east of Route 381, Lot 55E, within
Swann Keys.

A variance from the maximum lot coverage requirement.

The case was presented by Mr. Betts. Robert & Karen Lloyd were sworn in and testified, requesting a variance from the 35% lot coverage requirement on Lot 55E, Swann Keys, for a shed. The maximum lot coverage is 1400 square feet. The existing lot coverage is 1762 square feet and a 15 square foot shed is proposed. The lot size is 40'x 100'.

Bernard Lynam was sworn in and testified to the shed size, that the shed will be used for bicycle storage. More storage is needed

and it will be a permanent part of the house.

Mr. Betts, Zoning Inspector, stated that the lot coverage is over the maximum, because the applicants have had two other variance requests before the Board of Adjustment. One was granted and one was denied.

William Miller was sworn in and testified in opposition. He lives across the street and feels the variance should not be granted. He feels if this variance is granted it would be ok for other residents in the area. He feels the development is built up too much and should be kept as it is.

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 denied, finding the applicants are already 362 square feet over the limit and the applicants should be able to utilize what exists.

Case No. 5116--Elwood Steven Rowley - East side of Route 522A, 100 feet south of Route 523, Lot 14, within Rumbridge Acres.

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. Elwood S. Rowley was sworn in and testified, requesting to place a 1981, 14'x 70' manufactured home on property he is purchasing for his use. The property being Lot 14, Rumbridge Acres. He testified that there are other manufactured homes in the area.

Lawrence Rowley was sworn in and testified in behalf of his son, the applicant. He testified that his son rents in a manufactured home park now and he wants him to own his property to live on

There were no parties present in opposition.

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

OLD BUSINESS

Case No. 5075 (cont'd.)--Carlton Fountain & Cynthia Nock - Northeast of Route 541, 600 feet southeast of Route 428.

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

The case was reviewed by Mr. Betts.

After some discussion, motion was made by Mrs. Hudson, seconded by Mr. Callaway that the special use exception be denied, with Mr. Mills voting in favor. Motion was carried with four voting in favor of denial and one voting against denial. It was the findings of the Board that there does not seem to be a hardship and the use will adversely affect the adjoining properties.

OTHER BUSINESS

Case No. 5099 - Jack Verica

Request for a re-hearing.

Mr. Berl, Attorney, read a letter sent to Mr. Lank, Planning and Zoning Director, from Lynn Rogers on behalf of Mr. Verica, requesting a re-hearing on Case No. 5099, that was denied by the Board, because no one appeared to represent the case at the hearing.

After some discussion, motion was made by Mr. Mills, seconded by Mr. Wheatley and carried unanimously to re-hear Case No. 5099 as a new application and the fee of \$150.00 be paid by the applicant.

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

Meeting adjourned at 8:36 P. M.