

MINUTES OF JUNE 24, 2002

The regular meeting of the Sussex County Board of Adjustment was held Monday evening June 24, 2002, 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. Mills, and Mr. Hudson, with Mr. Berl – Assistant County Attorney, Mr. Oates - Planning & Zoning Inspector, and Mrs. Norwood – Recording Secretary.

Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously to approve the Revised Agenda with correction that Case No. 7852, Francis and Teresa Warrington was withdrawn on June 4, 2002. Vote carried 4 – 0.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously to approve the Minutes of June 17, 2002 as circulated. Vote carried 4 – 0.

Mr. Berl read a statement explaining how the Board of Adjustment meeting is conducted and the procedures for hearing the cases.

Case No. 7845 – Alan Lynch – intersection of Route One and James A Street, Lots 4, 6, and 8, within Dodd's Addition Subdivision.

A variance from the north side yard setback requirement.

Mr. Oates presented the case. Alan Lynch and Matthew Dotterer were sworn in and testified requesting a 0-foot variance from the required 15-foot north side yard setback requirement for an existing stairs; that the stairs have been torn down and replaced twice; that Mr. Lynch received a violation from Franklin Bunting, Planning & Zoning Inspector; that they submitted a survey showing the existing stairs and a survey showing the new stairs; that the commercial building has existed since 1966; that the apartments above the building were built in 2001; that Mr. Dotterer obtained the building permit; that the permit stated no new encroachment; and that a certificate of occupancy was issued.

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 and that Mr. Berl write a letter to the Director of the Building Permit Department, in reference to why the setbacks were not noted on the permit.** Vote carried 4 – 0.

Case No. 7846 – John J. and Penny Alloway – east of private road, 700 feet southwest of Road 531.

A variance from the rear yard setback requirement.

Mr. Oates presented the case. John and Penny Alloway were sworn in and testified requesting a 15-foot variance from the required 20-foot rear yard setback requirement for a 28'x28' detached garage; that they would like the garage to line up with existing paved driveway; that the garage cannot be placed behind the dwelling due to an existing deck; that the garage cannot be placed to the right of the dwelling due to a well; and that Mr. Martin, neighbor, is 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. McCabe, and carried unanimously that the variance be **tabled until July 1, 2002**. Vote carried 4 – 0.

Case No. 7847 – Donald L. Carmine – north of Road 548.

A special use exception to retain a manufactured home for storage purposes.

No one appeared on behalf of the application.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the special use exception be **denied for lack of a record of support**. Vote carried 4 – 0.

Case No. 7848 – LTL Acres Limited Partnership – east of Road 462, 425 feet north of U.S. Route 13.

A special use exception to replace an existing billboard.

Mr. Oates presented the case. Donald Collins was sworn in and testified requesting a special use exception to replace an existing billboard due to improper maintenance; that the property was owned by Mr. Lee before Johnny Janosik purchased the parcel; that the billboard will be placed in the same footprint as the existing billboard; that the billboard will be 2 sided; that the billboard will be 288-square feet on each side; that the billboard measures 25-foot in height; and that it will meet the setback requirements.

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 special use exception be **granted**. Vote carried 4 – 0.

Case No. 7849 – Nora Balducci – south of Road 259, east of South Lake Drive, Lot 50, within Lazy Lake Subdivision.

A variance from the west side yard setback requirement.

Mr. Oates presented the case. Phillip Balducci was sworn in and testified requesting a 0-foot variance from the required 10-foot west side yard setback requirement for a detached carport; that a 6-foot fence separates his unit from his neighbors unit; that his unit sets 12-foot from the fence; and that his unit is 40-foot from his neighbors unit.

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

Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously that the variance be **tabled until July 1, 2002**. Vote carried 4 – 0.

Case No. 7850 – Dorena V. Burton – north of Road 297, 700 feet west of Road 296, Lot 17, within Laurence S. Cordrey Subdivision.

A variance from the minimum lot size requirement to place a manufactured home.

Mr. Oates presented the case. Dorena V. Burton and Shawna M. Burton were sworn in and testified requesting 6,420-square foot variance from the required 32,670-square foot minimum lot size requirement to place a doublewide on a permanent foundation; that she purchased the property with her son and daughter in 1983; that they thought they each would have 2.5 acres each; that when the land was subdivided into 3 parcels it was not done equally; that the purpose for placing the unit is to be near her daughter; and that the home will be her permanent residence.

Mr. Oates read a letter from Janice L. Hopkins-Williams in opposition to 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. Hudson, and carried unanimously that the variance be **granted since the land was purchased before the Ordinance changed; and that it would eliminate the need for a medical hardship at a later date.**
Vote carried 4 – 0.

Case No. 7851 – Richard A. Palen and Harold J. Taylor – east of Road 274, west of Jake Drive, Lot 39, within Rehoboth Bay Mobile Home Park.

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

Mr. Oates presented the case. Richard Palen and Harold Taylor were sworn in and testified requesting a 5-foot variance from the required 10-foot side yard and rear yard setback requirement for a proposed deck; and that other sheds in the area are close to the property lines.

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

Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously that the variance be **granted**. Vote carried 4 – 0.

Case No. 7852 – Francis and Teresa Warrington – west of Road 274, south of Fox Creek Drive, Lot 68, within Arnell Creek Subdivision.

A variance from the north side yard setback requirement.

This case was withdrawn on June 4, 2002.

Case No. 7853 – Baywood L.L.C. – northeast of Route 24, 3,000 feet south of Road 298.

A variance from the maximum height requirement for a structure.

Mr. Oates presented the case. Robert Tunnell, Jr. was sworn in and testified requesting a 28-foot variance from the required 42-foot height requirement for a proposed clubhouse; that due to the grading of the landscape to accommodate golf cart storage it will make the height of the tower exceed the height requirement; that he showed a drawing of the proposed Baywood Greens Clubhouse and an aerial to the Board; that the homes were marketed with a proposed clubhouse in mind; and that the current residents are excited about the proposed clubhouse.

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 4 – 0.

Case No. 7854 – Susan C. Hunt – east of Road 273-A, north of First Street, and 300 feet east of road 273-A, Lots 13 and 14, within Bay Vista Subdivision.

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

Mr. Oates presented the case. Susan C. Hunt was sworn in and testified requesting a 10.2-foot variance from the required 30-foot front yard setback requirement for a proposed deck that will wrap around the side of the dwelling and a 6.7-foot variance from required 20-foot rear yard setback for a proposed addition; that she submitted pictures; and that the existing shed will be removed.

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 4 – 0.

Case No. 7855 – Edmund and Linda Shinn – east of Route 30, 1,900 feet south of Road 294.

A special use exception to operate a day care facility.

Mr. Oates presented the case. Linda Shinn was sworn in and testified requesting a special use exception to operate a day care facility; that her hours of operation will be 7:30 A.M. to 5:00 P.M., Monday thru Friday; and that she will care for 12 full time children and 2 pre-school children.

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 special use exception be **granted**. Vote carried 4 – 0.

Case No. 7856 – Ralph Dale Short – intersection of Road 422 and Road 427.

A variance from the side yard setback requirement for a poultry manure shed.

Mr. Oates presented the case. Ronald D. Short was sworn in and testified requesting a 0-foot variance from the required 50-foot side yard setback requirement for a proposed poultry manure shed; that his neighbors are in favor of the application; and that his father owns the adjacent property.

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 4 – 0.

Case No. 7856 – David L. Banks – south of Route 26, 50 feet west of Route 17.

A variance from the east side yard setback requirement.

Mr. Oates presented the case. Michael Montzalais was sworn in and testified requesting 3-foot variance from the required 5-foot east side yard setback requirement for an automatic car wash system; that he submitted pictures; that he submitted a letter from Linn Hickman in favor of the application; and that the addition will be placed on an existing concrete pad.

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

Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously that the application be **granted**. Vote carried 4 – 0.

Meeting Adjourned 8:05 P.M.