

Minutes of July 1, 1996

Prior to the regular meeting of the Sussex County Board of Adjustment the Board met to reorganize.

Mr. McCabe appointed Mr. Betts as acting Chairman for the purpose of holding an election of officers.

Mr. Betts opened the nominations for Chairman.

Motion was made by Mrs. Hudson, seconded by Mr. Callaway to nominate Mr. McCabe.

Motion adopted; 4 yea, 1 absent

Vote by roll call:

Mrs. Hudson	yea
Mr. Wheatley	yea
Mr. Callaway	yea
Mr. Mills	absent
Mr. McCabe	yea

Mr. Betts opened nominations for Vice Chairman.

Motion was made by Mrs. Hudson, seconded by Mr. Wheatley to nominate Mr. Callaway.

Motion adopted; 4 yea, 1 absent

Vote by roll call:

Mr. McCabe	yea
Mrs. Hudson	yea
Mr. Wheatley	yea
Mr. Callaway	yea
Mr. Mills	absent

Mr. Betts turned the meeting over to re-elected Chairman McCabe.

The Chairman appointed Mr. Betts as Secretary.

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, July 1, 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. Callaway, Mrs. Hudson, Mr. Wheatley, Mr. Jones-Attorney, Mr. Betts-Zoning Inspector III and Mrs. Talley-Planning & Zoning Secretary.

Motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that the minutes of June 17, 1996 be approved as circulated.

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

Mr. McCabe asked if there were parties present for Case No. 6035 and Case No. 6040, explaining that those cases had been withdrawn. There were no interested parties present.

Mr. McCabe stated that Case No. 6039 would be heard first.

Case No. 6039--Steve & Geraldine McElwee - South side of Route 263,
1/4 mile west of Route 9, Lot G-1, within
Donovan-Smith MHP.

A variance from the setback requirement between
units in a park.

The case was presented by Mr. Betts. Geraldine McElwee was sworn in and testified, requesting a 7'5" variance from the 20' setback requirement between units in a manufactured home park, being Lot G-1, within Donovan-Smith Park. It was stated that the manufactured home has been on the property since 1973 and the applicants bought the manufactured home two years ago. The manufactured home is too close to the adjacent unit.

Roy Smith, park owner, was sworn in and testified in behalf of the application stating that the manufactured home has been on the property a long time and the applicants have improved the area. The encroachment was discovered when the applicants purchased a building permit for siding on the manufactured home.

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. 6032--Michael & Amy Eskridge - On a fifty foot right of
way on the east side of Route 78, 1,400
feet south of Route 20.

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. Michael & Amy Eskridge were sworn in and testified, requesting to place a 1996, 28'x 64

manufactured home on property they are purchasing for their use. They testified that there are four other manufactured homes in the area. An adjacent lot is vacant.

There were no parties present in opposition.

Motion was made by Mr. Wheatley, 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. 6033--The Cottage Cafe - West side of Route One, 114 feet south of Route 361A.

A variance from the requirements for signs.

The case was presented by Mr. Betts. Brent Boyce Poffinberger and John Selby were sworn in and testified representing The Cottage Cafe who requested a variance to have more than one sign on property. Mr. Selby stated that the applicants have 9.07 acres of land with three signs on the property that advertise for Hickman Plaza, Sea Coast Realty and The Cottage Cafe. There is a small sign to advertise for the Cottage Cafe that is not visible when traveling north. The portable sign will be removed and replaced with a 124 sq. ft. sign that will have larger letters on it making it easier to be seen.

Mr. Poffinberger stated that they advertise specials the restaurant is having. The new sign will be much nicer and they will remove the portable sign.

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. 6034--Suzanne Hundorf - Northeast side of Route 334, 806 feet southeast of Route 333.

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

The case was presented by Mr. Betts. Suzanne Hundorf was sworn in and testified, requesting to place a second manufactured home on her property on medical hardship basis. The proposed manufactured home is for her son who has cerebral palsy, was in an accident and is in a wheel chair. Her son has graduated from high school and wants to live independently but needs someone nearby. Mrs. Hundorf lives on the property in the existing 14'x 70' manufactured home. She stated that she does not know the size of

the proposed manufactured home since they have not purchased it yet.

Mr. Betts read a letter into the record from a doctor explaining the health of David Coffin, the applicant's son.

Gertrude Cropper Hudson, grandmother Mr. Coffin, was sworn in and testified in behalf of the request. She stated that she takes her grandson to Easter Seals three times a week.

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 period of two (2) years on the basis of medical hardship.

Case No. 6035--Sharon L. May - South side of Route 611, at the intersection of Route 632, Lot 3, within Wil-Ack Acres.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

This case was withdrawn.

Case No. 6036--Daniel T. & Cindy Connor - West side of Route 595, 3.500 feet north of Route 608.

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. Daniel & Cindy Connor were sworn in and testified, requesting to place a 28'x 56' triple wide manufactured home with a 13'x 28' addition on it on their property for their use. It was stated that there are other manufactured homes in the area, the closest on adjacent property that the applicants father lives in. There are also vacant lots in the area. The manufactured home will be placed on a permanent foundation.

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 new 1996, 28'x 56' manufactured home with a 13'x 28' addition on a permanent foundation.

Case No. 6037--Blandy L. Kallam & April Y. Carter - West side of
Route 526-A, 3,000 feet south of Road 46,
Lot 12, within Deep Pines.

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. Blandy Kallam & April
Carter were sworn in and testified, requesting to place a 22'8"x
56' manufactured home on a permanent foundation on property they
are purchasing for their use. It was stated that there are other
manufactured homes 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 on a
permanent foundation.

Case No. 6038--Martha A. Russell - East side of Route 273A, one
mile south of Route One, Lots 33 and
34 within Bay Vista.

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

The case was presented by Mr. Betts. Jeffrey N. Russell was
sworn in and testified representing the applicant Martha Russell,
who requested a 5' variance from the side yard setback requirement
and a 6' variance from the front yard setback requirement, on Lots
33 and 34 in Bay Vista. The applicant proposes to add more living
space and steps to their present home. Mr. Russell stated that the
applicant had Board approval previously for a front yard variance,
but more is needed to be able to add more living space.

Joseph Mack was sworn in and testified in opposition, stating
that he owns property in the development. He stated that he had no
objections to the first variance granted the applicant, but he is
opposed to more variances. He feels the applicant is asking too
much and is crowding everything together. Letters of opposition
were presented.

Mr. Betts read the letter of opposition presented from Joseph
& Irene Hojinicki, Christopher L. Thompson and William H. Chambers.

Mr. Jones, Attorney, questioned if the dwelling is one story.

Mr. Russell stated that the dwelling has never been one story.
It has always been a two story dwelling. He stated that the

addition is going in the opposite direction from the people in opposition. He stated that the addition will not go out any further than what exists.

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. Wheatley, seconded by Mrs. Hudson and carried unanimously that the case be tabled until the next regular meeting.

Case No. 6040--John Hayward - North side of Route 64, 2,000 feet east of Road 70.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

This case was withdrawn.

Case No. 6041--William M. & Joan C. Harvey - Northeast side of Route 345, Lot 12, Sec. C, within Indian River Acres.

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

The case was presented by Mr. Betts. William Harvey and Peter E. Loewenstein were sworn in and testified. The applicants were requesting a 7.50' variance from the side yard setback requirement on a corner lot and a 1.9' variance from the rear yard setback requirement on Lot 12, within Indian River Acres. Mr. Loewenstein stated that when the existing house was built in 1985, the development rules were in conflict with the County rules and they went by the development rules. When he surveyed the property the encroachment was discovered. The house has been on the property for 11 years and they were unaware of the encroachment until the survey was done. He stated that no views are affected and there have been other variances granted in the development.

There were no parties present in opposition.

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

Case No. 6042--Carol A. Shockley - East side of Route 387, 2,877 feet north of Route 58.

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. Carol A. Shockley was sworn in and testified, requesting to place a 1996, 14'x 56' manufactured home on her property for her use. She testified that there are three other manufactured homes 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. 6043--Esther M. Bradley - South side of Route 259,
610 feet west of Route 258.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Esther M. Bradley was sworn in and testified, requesting a 13' variance from the 40' front yard setback requirement to be 27' for a dwelling. Because of where DNREC says the septic system has to be, the applicant has to move the dwelling closer to the front property line than the 40' required.

Mr. Betts stated that other variances have been granted in the area. He explained that the dwelling has to be 40' from the rear also.

There were no parties present in opposition.

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

Case No. 6044--Tom & Winifred Kemp - East side of Route 601,
5,000 feet south of Route 16, Lot 6,
within Sigler Estates.

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. Tom & Winifred Kemp were sworn in and testified, requesting to place a 28'x 60' double-wide manufactured home on a permanent foundation on property they are purchasing for their use. It was stated that there are other manufactured homes in the area. The closest being a double-wide and single-wide manufactured home on either side of the property

being purchased by the applicants.

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 for a double-wide manufactured home on a permanent foundation, finding the use will not adversely affect the area.

Case No. 6045--Tracey Williams - West side of Route 17, 180 feet southwest of Route 382.

A special use exception to operate a Day Care Center.

The case was presented by Mr. Betts. Tracey Williams was sworn in and testified, requesting to operate a Day Care Center in an existing house. There is 8 acres of land and there will be a playground area provided and fencing around the yard. She will have approximately 14 children, ages 6 weeks to 12 years old.

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. 6046--Ellison & Sara Bunting - Northeast side of Route 331, 200 feet northwest of Route 335.

A variance from the setback requirements for a commercial poultry house.

The case was presented by Mr. Betts. Sara Bunting was sworn in and testified, requesting a 25' variance from the 50' setback requirement, a 35' variance from the 200' setback requirement and a variance of 5 acres for a new chicken house. She stated it is the only location on the property for the chicken house. It will be beside an existing chicken house. The new chicken house will be operated by their son.

Thelma B.Clogg was sworn in and testified in favor of the application.

There were no parties present in opposition.

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

OLD BUSINESS

Case No. 6017 (cont'd.)--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 acra for a permanent residence.

Mr. Betts (absent from the public hearing) reviewed the case. He stated that three letter had been received after the public hearing and would not be read into the record nor given to the Board.

It was stated that information had been requested from a Planning & Zoning staff member by the Board pertaining to this case and has not yet been received.

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

OTHER BUSINESS

Case No. 5302--Decoy, Inc. - Request for one (1) year extension.

Mr. Betts read a letter from Decoy, Inc. requesting a one (1) year extension on their Board of Adjustment Case, due to DNREC and not being able to work.

Motion was made by Mrs. Hudson, seconded by Mr. Callaway and carried unanimously a one (1) year extension be granted to Case No. 5302.

Case No. 5988--Sylvia Pruitt

Mr. Betts stated that Sylvia Pruitt requests to change the size of her manufactured home from a double-wide to a single-wide. The Board approved her application for a double-wide manufactured home.

It was the consensus of the Board and the Attorney that the Sylvia Pruitt needs to re-apply to the Board in order to change the size of her manufactured home.

DISCUSSION

Mr. Betts stated that he had received a letter pertaining to laws being changed for the placement of manufactured homes.

It was the consensus of the Board that the letter be forwarded to the Planning and Zoning Commission or County Council since the Board does not have the authority to change the law.

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

Meeting adjourned at 8:10 P. M.