

Minutes of July 6, 1992

Prior to the regular meeting, 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 Mr. Wheatley, seconded by Mrs. Hudson to nominate Mr. McCabe.

Motion adopted; 5 yea

Vote by roll call: Mr. McCabe; yea
Mr. Callaway; yea
Mrs. Hudson; yea
Mr. Mills; yea
Mr. Wheatley; yea

Mr. Betts opened nominations for Vice Chairman.

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

Motion adopted; 5 yea

Vote by roll call: Mr. McCabe; yea
Mr. Callaway; yea
Mrs. Hudson; yea
Mr. Mills; yea
Mr. Wheatley; yea

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

The Chairman appointed Mr. Robert Betts as Secretary.

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, July 6, 1992 in the County Council Conference Room, Courthouse, Georgetown, Delaware.

The meeting was called to order at 7:00 P.M. with Chairman McCabe presiding. The following were present: Mr. McCabe, Mr. Wheatley, 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 29, 1992 be approved as circulated.

Case No. 4771--Alan Wade Emory - North side of Route 535, 850 feet east of Route 534, Lot 12, within Indian Village.

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. Phyllis Parker, Cooper Realty, representing the seller, was sworn in and testified in behalf of the applicant Mr. Emory. Mr. Emory requested to place a 1971, 12'x 60' manufactured home on property being Lot 12, Indian Village. Ms. Parker testified that the applicant will remodel the manufactured home and it will not be detrimental to the neighborhood. A letter from Mr. Emory was presented.

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.

Case No. 4772--John J. & Gloria C. Delaney - South side of Hassell Road at the northeast corner of Hassell Road and Creek Road, Lot 86, within Bay View Park.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Gloria Delaney was sworn in and testified requesting a 13' variance from the 30' front yard setback requirement on Lot 86, Bay View Park. The applicants built a home in 1971 with an unfinished second floor. In 1990-91 they decided to enlarge and finish the upstairs. A shed was removed from the property and a 2nd. floor deck was built. The dwelling itself is the same, but the deck encroaches into the setback.

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. 4773--Richard G. & Joan Dorr - Southeast side of Route 509, 328 feet southwest of Route 76.

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

The case was presented by Mr. Betts. Richard & Joan Dorr were sworn in and testified, requesting to continue a manufactured home on medical hardship for their mother. Their step-father has deceased, but their mother continues to need care.

Mr. Betts read a letter from a doctor referencing the health of their mother.

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

Case No. 4774--Virginia & Charles Myers - North side of Route 538, 1,050 feet east of the Maryland State Line.

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

The case was presented by Mr. Betts. Virginia & Charles Myers were sworn in and testified, requesting to place a 28'x 60' double-wide manufactured home on property where their mother and step-father live in a manufactured home. They propose to place the manufactured home on hardship basis. Mrs. Myers stated that her step-father is 92 years old and her mother needs care.

It was explained to the applicants that if approved the use would have to be reapplied for every two years and removed if the hardship ceases.

Gary Everett Lahman, neighbor, was sworn in and testified in favor of the request. He asked if it is approved that the applicants consider his property when they install their septic system and well.

Mr. Betts read a letter into the record from a doctor referencing Mrs. Myer's mother's health.

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

Case No. 4776--Timothy A. Whitsel - West side of Route 113, 825 feet south of Route 400.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Timothy Whitsel was sworn in and testified, requesting a 25' variance from the 25' front yard setback requirement for boat sales display. The property is unique because of where the state right-of-way is. The display will be up to the property line, but because of the state right-of-way will still be 74' from the road. It will be in character with the neighborhood. Pictures were presented and explained. He testified it will not affect visibility from the highway or the ingress and egress. He stated that there will be no display on the right-of-way.

A letter from Ron Crook, President of State Line Building Supply was presented and read into the record by Mr. Betts, voicing no objections.

Harmon O. Miller was sworn in and testified that he is a neighbor and is in favor as long as the display is on his (Mr. Whitsel's) property and not on the right-of-way.

There were no parties present in opposition.

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

Case No. 4777--Elwood Wilson - West side of Route 30, 1,000 feet south of Route 249.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Elwood Wilson & Richard Wilson were sworn in and testified. Mr. Wilson requested a 16' variance from the 40' front yard setback requirement to add a 13'x 22' addition to his house. The addition will be no closer to Route 30 than the existing house.

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. 4778--Richard S. Simms - North side of Route 261, intersection $\frac{1}{2}$ mile south of Route 88, Lot 2, within Simms Subdivision.

A variance from the lot width requirement.

The case was presented by Mr. Betts. Richard Simms, Jr. was sworn in and testified, requesting a 9' variance from the 75' lot width. Mr. Simms owns two lots. He has a garage on Lot 1 that encroaches over the property line onto Lot 2. He proposes to make Lot 1 larger, that will correct the garage encroachment, but a variance is needed. He proposes to sell Lot 2, that has a manufactured home on it. One lot will be 66'x 175' and the other lot will be 94'x 175'.

There were no parties present in opposition.

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

Case No. 4779--David J. Gelatka - Southwest side of Route One, 200 feet northwest of Route 271, Lot D-51, within Sea Air Mobile City.

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

The case was presented by Mr. Betts. Gail Selcet was sworn in and testified representing David Gelatka, who requested a 9'4" variance from the 20' setback requirement between units in a park, being Lot D-51, Sea Air Mobile City. He proposes to add a screen porch that will be closer than the 20' required. There are other similar variances in the park.

Anthony Bryan, representing Sea Air Mobile City, was sworn in and testified in favor of the variance stating they have no objections.

There were no parties present in opposition.

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

Case No. 4780--Charles L. & Patricia Bradley - South side of Route 36, 1,356 feet east of Route 224.

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. Charles L. & Patricia Bradley were sworn in and testified, requesting to place a 14'x 70' or double-wide manufactured home on their property for their permanent residence. They have not purchased the manufactured home as yet waiting for the public hearing outcome. The manufactured home will be a new one. They testified that there are other manufactured homes in the area.

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. 4781--Deborah Lynn Cash - North side of Route 535, 850 feet east of Route 534, Lot 9, within Indian Village.

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. Deborah Lynn Cash was sworn in and testified, requesting to place a new 14'x 70' manufactured home on property in Indian Village, being Lot 9. She stated that there are other manufactured homes in the development.

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. 4782--Annette Hallett - East side of Route 523, 500 feet south of Route 522A, Lot 8, 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. Annette Hallett was sworn in and testified, requesting to place a 1983, 14'x 52' manufactured home on Lot 8, within Rumbridge Acres, for her permanent residence. She testified that there are other manufactured homes in the area.

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.

Case No. 4783--Sandra & Michael James - North side of Route 382, across from Route 391, Lot 29, within Swann Estates.

A special use exception to place a pond on less than five acres.

The case was presented by Mr. Betts. Sandra & Michael James were sworn in and testified, requesting to place a pond on 4.09 acres for wildlife purposes. It will be 3000 sq. ft. and have a 3' to 4' depth of excavation. They will have help from Soil Conservation and D.N.R.E.C. It will not be fenced. They stated that there are two other ponds in the development now. The applicants pond will be on Lot 29, within Swann Estates. The site plan will have to be approved by Planning and Zoning, if approved by the Board.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mr. Wheatley and carried unanimously that the special use exception be granted.

Case No. 4784--Robert L. Thompson - West side of Route 357, 360 feet southwest of Route 360, Lot 23 within Collins Park.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Mr. Robert Thompson was sworn in and testified requesting a 5' variance from the 10' side yard setback for an accessory building, on Lot 23, within Collins Park. The applicant had a garage and shed on the property. He connected them with a breezeway and in doing so caused the shed encroachment. An unattached accessory building under 600 sq. ft. can go closer to the property line, but attached, the setback becomes greater. The garage is 24'x 24' and the shed is 10'x 10' and he tied them together with a enclosed breezeway. He owns the property next to it but does not want to incorporate the two lots. The development restrictions provide for only one additional building, without the variance he violates the development restrictions. He testified that one member of the Association approved the variance by word of mouth, nothing in writing.

Joan Collins Townsend was sworn in and testified that she is an adjacent property owner and her mother owns the development. She stated that the applicant knew about the restrictions having

been on the Association. She stated that she was not contacted by the applicant and the Association must approve the variance, not just one person.

Mr. Jones, Attorney stated that the Board cannot honor the development restrictions. They can only consider the variance request. The development or Association would have to enforce the restrictions.

Ms. Townsend stated that she spoke for herself and the as a property owner.

Mr. Betts in answer to the Board's question, stated that ther have been no other variance's granted in the park.

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 Mrs. Hudson, seconded by Mr. Callaway and carried unani- mously that the case be tabled.

Case No. 4785--Eleanor M. Simkins - South side of Route 322, at the corner of Route 432.

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. Eleanor Simkins was sworn in and testified and was represented by Paul Enterline. Ms. Simkins requested to place a new 14'x 90' manufactured home on her property to be subdivided, for her residence. The remaining property with a house will be for her son. She wants to be near her family. She stated that there is another manufactured home down the road from her property.

Mr. Betts read a letter into the record from Lawrence and Libby Stevenson, in favor of the manufactured home.

Ronald Robinson was sworn in and testified that he has no objections to the manufactured home.

There were 12 people present in favor of the manufactured home request.

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.

Case No. 4786--John N. & Mary B. Nevros - West side of Route 270A, 800 feet northeast of Route One.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. John & Mary Nevros were sworn in and testified, requesting a 5' variance from the side yard setback requirement to construct a 22'x 24' attached garage. He testified that there is no other place on the property to put the garage. He also stated that the garage will not obstruct visibility.

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.

OLD BUSINESS

Case No. 4762 (cont'd.)--William Keefer - North side of Route 349,
on the east side of the intersection with
Route 351.

A variance from the front yard setback requirement.

The case was reviewed by Mr. Betts, who stated that the applicant had contacted him to say that he would reduce the size of the garage to 14'x 24' therefore reducing the amount of variance needed to 17' from the front property line.

After some discussion, motion was made by Mrs. Hudson, seconded by Mr. Wheatley that the 17' variance be granted, with Mr. Callaway and Mr. Mills not voting, Motion carried with three voting in favor and two not voting.

Meeting adjourned at 8:17 P.M.