

Minutes of July 10, 1995

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 by Mrs. Hudson, seconded by Mr. Wheatley to nominate Mr. McCabe.

Motion adopted; 3 yea, 1 absent.

Vote by roll Call:

Mrs. Hudson	yea
Mr. Wheatley	yea
Mr. Callaway	yea
Mr. McCabe	not voting
Mr. Mills	absent

Mr. Betts opened nominations for Vice Chariman.

Motion by Mr. Callaway, seconded by Mr. Wheatley to nominate Mr. Mills.

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 the re-elected Chairman Mr. McCabe.

The Chairman appointed Mr. Betts as Secretary.

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, July 10, 1995 in the County Council Chambers, Room 115, Courthouse, Georgetown, Delaware.

The meeting was called to order at 6:58 P. M. with Chairman McCabe presiding. The Board members present were: Mr. McCabe, Mr. Mills, Mrs. Hudson, Mr. Wheatley, Mr. Callaway, Mr. Jones-Attorney and Mr. Betts-Zoning Inspector III.

Motion was made by Mr. Wheatley, seconded by Mr. Callaway and carried unanimously that the minutes of June 26, 1995 be approved as circulated.

Case No. 5710--Jeffrey C. Higgins & Margaret W. Everett - West side of Route 305, 500 feet north of Route 296.

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

There were no parties present in behalf of this case. The Chairman held the case open until the end of the hearings.

At the end of the hearings the Chairman referred back to this case.

The case was presented by Mr. Betts. Jeffrey Higgins and Margaret Everett Higgins were sworn in and testified requesting to place a 24'x 56' manufactured home on property they are purchasing for their use. They testified there are other manufactured homes in the area. There is woodland on either side of their property and a State Wildlife Area across the road.

Mr. Betts read a letter of opposition from adjacent property owners Michael T. & Judy E. Mullen.

Ms. Higgins stated they were not aware of anyone that Mr. & Mrs. Mullen were in opposition.

John Tripple, seller, was sworn in and testified in behalf of the application. He testified that the complexion of the neighborhood is homes and manufactured homes. He stated he has no problem with the applicants placing a manufactured home on the property.

Alice Dietz was sworn in and testified that she owns property in the area that has been family property for years and has no objections to the applicants request.

There were no parties present in opposition.

Motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that the special use exception be granted, finding the use will not have a negative impact on the surrounding properties.

Case No. 5711--Julie A. Donahue - West side of Route 312, at the intersection of Route 313A, within Riverview Farms.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Julie Donahue was sworn in and testified, requesting a 10" variance from the 40' front yard setback to be 39'2". The applicant has a new home just constructed on her property in Riverview Farms. She testified that the builder caused the error. She stated the property on either side is vacant. She also stated there is no Association in the development.

John Marta, father and builder, was sworn in and testified that the measurement was wrong. He stated he is in favor of the variance.

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. 5712--Joseph Simpson - South side of Route 501, 2,700 feet west of Route One, Lot 71, within Rock Turn.

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

The case was presented by Mr. Betts. Joseph Simpson was sworn in and testified, requesting a .7' variance from the 20' setback requirement between units in a park, being Lot 71, Rock Turn. Mr. Simpson stated he placed a new manufactured home on the property and it would be a tremendous expense to correct the encroachment.

Alberta and James Snead who lives in Rock Turn were sworn in and testified in behalf of the application.

There were no parties present in opposition.

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

Case No. 5713--Francis Tafelski - West side of Route 263, $\frac{1}{4}$ mile west of Route 9, Lot E3, within Donovan-Smith Mobile Home Park.

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

The case was presented by Mr. Betts. Francis Tafelski was sworn in and testified, requesting a 11'6" variance from the 20' setback requirement between units, on Lot E-3, Donovan-Smith Mobile Home Park. Mr. Tafelski stated that he had replaced an old manufactured home with one that is 4' wider. Due to a shed on the property and the neighbors manufactured home steps, he cannot meet the setback requirement. He stated there is no problem with the park.

Mr. Betts stated that no correspondence pertaining to this case had been received.

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. 5714--Wanda Quackenbush - West side of Route 13A, $\frac{1}{4}$ mile north of Route 501, Lot 1.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Wanda Quackenbush and Ryan Neal Brown were sworn in and testified, requesting a 5'6" variance from the side yard setback of 10' for a garage. They made an error when measuring from the center of the property. The error was discovered when a survey was done. They stated there is no problem with the Fire Marshall or the neighbors. The applicant testified she did not have a copy of the survey as yet. She stated it is in Wilmington.

The Board questioned whether or not the correct amount of variance had been requested, since there was no survey to look at.

Ms. Quackenbush stated they had allowed for more variance in case it is needed.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be tabled, and the hearing held open until a survey is submitted by the applicant.

Case No. 5715--John & Christina Dawson - North side of Route 472, at the intersection of Route 434A, Lot 12, within Trinity Meadows (North).

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. John and Christina Dawson were sworn in and testified, requesting to place a 1995, 28'x 68' manufactured home on property they are purchasing for their use. They testified there are several other manufactured homes in the area.

Mr. Betts stated no correspondence had been received pertaining to this case.

There were no parties present in opposition.

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

Case No. 5716--Kevin Roberts & Marcy Short - North side of Route 472, at the intersection of Route 434, Lot 9.

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. Kevin Roberts and Marcy Short were sworn in and testified, requesting to place a 28'x 64' manufactured home on property they are purchasing for their own use. They testified 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. 5717--James E. & Arlene J. Barnes - West side of Route 565, 785 feet north of Penn Central, Lot 2.

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. Rosemary Beaver from Indian River Land Co., was sworn in and testified, representing the applicants who requested to place a new 14'x 80' manufactured home on property they are purchasing. Ms. Beaver stated the applicants live in Pennsylvania and are relocating to live on the property they are purchasing. She stated the unit will be placed on a permanent foundation. She testified there are other manufactured homes in the area.

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.

Case No. 5718--Thomas & Margaret Petroski - Southwest side of Route 263, $\frac{1}{4}$ mile west of Route 9, Lot E-8, within Donovan-Smith Mobile Home Park.

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

The case was presented by Mr. Betts. Thomas and Margaret Petroski were sworn in and testified, requesting a 3'1" variance from the west side property line and a 4'3" variance from the east side property line, from the 20' setback requirement between units in a park. The property is Lot E-8, Donovan-Smith Park. The applicants added a deck to their manufactured home and need the variances. There is also an attached shed on the property that has been on the property for 7 years. There have been larger manufactured homes moved on adjacent lots that also created the encroachment.

Mr. Betts stated that a 5'8" variance would take care of all of the encroachments.

There were no parties present in opposition.

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

Case No. 5719--Jacqueline E. Phillips - North side of Route 231, 30 feet west of Route 5.

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. Jacqueline Phillips was sworn in and testified, requesting to place a 28'x 60' manufactured home on property she is under sales contract to purchase for her use. There are wooded lots on either side of the applicants proposed property. Ms. Phillips stated there is a GR Subdivision, Teal Point, in the area which permits manufactured homes.

There were no parties present in opposition.

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

Case No. 5720--Saundra L. Holleger Shane - At the intersection of
Dodd Avenue and Ocean View, Lot G-2,
within Sea Air.

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

The case was presented by Mr. Betts. Bradford Allen Shane was sworn in and testified, representing the applicant who requested an 8' variance from the 20' setback requirement between units in a park, on Lot G-2, Sea Air Mobile City. He testified there is a concrete slab on the property and he started to build a deck on it. He was told a variance would be needed. He stated there is no problem with Sea Air.

Mr. Betts read a letter from Sandra Stintsman, Sea Air Mobile City Management, in support of the variance.

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. 5721--William T. Sammons, Sr. - South side of Route One,
2,000 feet northwest of Route 234C,
within Eagle Nest Campground.

A special use exception to place a second manufactured home within a campground for management.

The case was presented by Mr. Betts. William T. Sammons, Jr. was sworn in and testified, representing the applicant who requested to place a 1983, 14'x 70' manufactured home as a second manufactured home in Eagle Nest Campground for a residence for management. There is an existing manufactured home in the campground that is used as a office and camp store. Only one manufactured home is permitted in a campground for residence or office. The second manufactured home must have Board approval. The requested manufactured home will be used to have someone live in it to watch the campground. It will be used year round, even though the campground is not open all year.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, the Chariman referred back to this case. After some discussion, motion was made by Mr. Callaway, seconded by Mrs. Hudson and carried unanimously that the special use exception be granted.

Case No. 5722--Dorothea A. Willis - West side of Route 565, $\frac{1}{4}$ mile north of Penn Central.

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. Dorothea A. Willis was sworn in and testified, requesting to place a 1995, 28'x 60' double-wide manufactured home on property she is purchasing for her use. She testified there are other manufactured homes in the area. Her neighbor has a manufactured on her property.

Rosemary Beaver, Indian River Land Co., who was sworn in on Case No. 5717, testified in favor of this case also.

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. 5723--Lawrence Wilson Rust - West side of Route 561, 4,400 feet north of Route 18.

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. Lawrence Wilson Rust was sworn in and testified, requesting to place a 1990, 14'x 70' manufactured home on his property for his use. He testified there are other manufactured homes in the area.

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.

Case No. 5724--Vincent Lobo - East side of Route One, South Carolina and Atlantic Streets, Lot 6.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Vincent Lobo was sworn in and testified, requesting a 20" variance from the 10' side yard setback for a punch-out window on the second floor of new construction. He stated there is no problem with the neighbors.

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. 5725--Vincent Lobo - East side of Route One, South Carolina and Atlantic Streets, Lot 7.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Vincent Lobo sworn in on Case No. 5724, requested a 20" variance from the 10' side yard setback for a punch-out window on the second floor of new construction. This property is adjacent to the property in Case No. 5724.

Mr. McCabe stated that testimony in Case No. 5724 will be incorporated into this case.

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.

OLD BUSINESS

Case No. 5672 (cont'd.)--Malone's Bayside Marina - North side of Route 22, one mile east of Route 22C, Lot 8 Oyster, within Malone's Bayside Marina.

A variance from the setback requirement between units in a park and a variance from the minimum square footage of a manufactured home in a park.

Mr. Betts stated that no survey had been received.

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

Case No. 5673 (cont'd.)--Malone's Bayside Marina - North side of Route 22, one mile east of Route 22C, Lot 10 Clam, within Malone's Bayside Marina.

A variance from the setback requirement between units in a park and a variance from the minimum square footage of a manufactured home in a park.

Mr. Betts stated that no survey had been received.

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

Case No. 5674 (cont'd.)--Malone's Bayside Marina - North side of Route 22, one mile east of Route 22C, Lot 10 Harbor, within Malone's Bayside Marina.

A variance from the minimum square footage of a manufactured home in a park.

Mr. Betts stated that no survey had been received.

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

OTHER BUSINESS

Case No. 5695--David L.& Margie L. Johnson

Request for a re-hearing.

Mr. Betts stated a letter had been received from the Johnson's requesting a re-hearing on their case to place a manufactured home that was denied June 26, 1995.

Motion was made by Mr. Callaway, seconded by Mrs. Hudson and carried unanimously to table making their decision whether to re-hear Case No. 5695 until their next meeting.

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

Meeting adjourned at 7:58 P. M.