

Minutes of July 12, 1999

A regular meeting of the Sussex County Board of Adjustment was held Monday evening July 12, 1999 in the County Council Chambers, County Administrative Office Building, 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, Mr. Mills, Mr. Hudson, Mr. Wheatley, Mr. Berl-Esquire, Mr. Rickard-Chief Zoning Inspector, Mr. Lank, Director-Planning & Zoning and Mrs. Massey-Recording Secretary.

Mr. McCabe asked for any additions or changes to the agenda. Motion was made by Mr. Mills, and seconded by Mr. Wheatley and carried unanimously that the Election of Officers be moved to the end of the meeting with the remainder of Agenda for July 12, 1999 be adopted. Vote 5-0

Motion was made by Mr. Mills, and seconded by Mr. Callaway and carried unanimously that the minutes of June 28, 1999 be approved as circulated. Vote 5-0

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

Case No. 6898 – Janet E. Landers – South of Road 363, south side of Marina Park Drive, Lot 13, Plantation Park Marina.

A variance from the side yard setback requirement.

The case was presented by Mr. Rickard. Merel Layton of Ocean View, DE was sworn in and testified in behalf of the applicant. The applicant requested a variance from side yard setback of 2' on each side of lot to place a 28 x 68 doublewide across lot to conform to existing homes in development. Mr. Layton presented several pictures supporting the applicant's request.

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. Vote 5-0

Case No. 6899 – J. Willis Hickman – South of Road 277, west side of Hollyway West, Lot 43, Angola By The Bay.

A variance from the side yard setback requirement.

The case was presented by Mr. Rickard. Cynthia Barker, Realtor of Harrison was sworn in and testified in behalf of applicant and was represented by Mr. John Sorgovic, Jr., Attorney. The applicant requested a 1.5' variance from side setback requirement of 10' on house which has been in existence for over 20 years with an additional request for a 1.1' variance for a 3' elevated deck from side setback requirement. Mr. Sorgovic stated that the property is a corner lot, which makes it impossible for the home to meet the required setbacks.

Motion was made by Mr. Wheatley, and seconded by Mr. Callaway and carried unanimously that the variances be granted. Vote 5-0

Case No. 6900 – Caroline Batley and Roberta Exner – Northeast of Route 22, north side of private road, Lot 36, Enchanted Acres.

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

The case was presented by Mr. Rickard. Caroline Batley and Roberta Exner were sworn in and testified requesting a 4' variance from side yard setback and a 3' variance from the rear side setback. The applicants wish to place a shed on this property.

Mr. Rickard read a letter submitted from Brenda L. Bradford, General Manager of Enchanted Acres in support of the application.

There were no parties present in opposition.

Motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that the variances be granted. Vote 5-0.

Case No. 6901 – Bethany Marina Townhouses – South of private road, ½ mile west of Road 357, Bethany Marina Townhouse.
A special use exception to use a temporary building for a sales office or rental office for an approved real estate development or subdivision.

The case was presented by Mr. Rickard. Richard Carey of Ocean View was sworn in and testified in behalf of the applicant. The applicant requested a special use exception to place a temporary building to be used as a sales office or rental office for The Bethany Marina Townhouse project that was started approximately one (1) year ago.

Mr. Carey presented maps of the townhouse project. He also stated that the office trailer that they would use is 12x44 and is a newer model with an office like appearance. A picture of the type of trailer they would use was submitted for the Board to review.

Mr. Mills questioned if landscaping and adequate parking would be provided. Mr. Carey replied that these conditions would be met.

There were no parties in opposition.

Motion was made by Mr. Mills, and seconded by Mr. Wheatley and carried unanimously that the special use exception be granted for a period not to exceed two (2) years. Vote 5-0

Case No. 6902 – Raymond J. McKay – Northeast of Swann Drive, east of Blue Bill Drive, Lot 10, Swann Keys.

A variance from the side yard setback requirement.

The case was presented by Mr. Rickard. Mr. Raymond McKay of Selbyville was sworn in and testified requesting a 3' variance for from side yard setback. Mr. McKay stated that the need for the variance was to add to his present dwelling for additional living space.

Mr. William Howards and Mr. John Sweet both of Selbyville were sworn in and testified in opposition on behalf of the Swann Keys Board of Directors. Mr. Sweet stated that the setbacks Mr. McKay is requesting do not meet Sussex County or Swann Keys Home Owners Association's guidelines. If this requested is granted it could begin to set a precedence that the community is not willing to accept.

Mr. Rickard read a letter from the Swann Keys Board of Directors that agreed with the men representing the Board in opposition of this request. Mr. Rickard added that most residents are non-conforming and that the homeowners association set their guidelines based on Sussex County Code.

After reviewing the proposed drawing presented by the applicant, Mr. Mills suggested that the addition be built to the left of the requested location and with doing so Mr. McKay would be in compliance with Sussex County and the homeowners association's guidelines.

Motion was made by Mr. Mills, seconded by Mr. Hudson and carried unanimously that the request for a variance be denied. Vote 5-0.

Case No. 6903 – Cynthia Brooks - Southwest of Road 326, 3,300 feet north of Road 318, Lot 6.

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

The case was presented by Mr. Rickard. Cynthia Brooks of Frankford was sworn in and testified, requesting to place a mobile home for a new medical hardship. She stated that her brother, Mr. Dismuke will be living in the manufactured home alone but that she takes care of him and needs to be close to him due to his illness.

Mr. Rickard read a letter from Dr. Murher of Fellowship Resources, referencing the health of the brother.

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 on medical hardship basis for a period of two (2) years. Vote 5-0

Case No. 6904 – W. Marshall and Betty Mumford – South of Road 472, 1,200 feet west of Road 431.

A special use exception from the provisions and requirements to retain a manufactured home on a parcel.

The case was presented by Mr. Rickard. Mr. Marshall Mumford of Millsboro was sworn in and testified, for a special exception to retain a single wide, mobile home on a minimum of a $\frac{3}{4}$ acre parcel for a manufactured home that was legally placed on a farm prior to March 25, 1997. Mr. Marshall stated that he would like to sell $\frac{3}{4}$ acres of his 10-acre parcel to an employee of his farm. This request will allow the buyer to live in the manufactured home that is already on the property.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mr. Hudson and carried unanimously that the special use exception be granted. Vote 5-0

Case No. 6905 – RESCHEDULED TO 08/02/99

Case No. 6906 – Emanuel P. Blavakis - East of Road 357, northwest of Road 358, Lot 8,
The Reservation.

A variance from the front yard setback requirement.

The case was presented by Bud Rickard. Emanuel P. Blavakis of Rehoboth Beach was sworn in and testified requesting a variance of 7' on front setback. He stated that this home was built by Nanticoke Builders, and that when his inspection was done, the inspector noted that the doors leading to his home did not meet the standard requirements. In this case, an entrance deck and staircase were added to the front of his home which caused an encroachment. Mr. Blavakis presented pictures of his home and property.

Ms. Janet Stavicki and Mr. Theodore Stavicki of Rehoboth Beach and Mr. Clarence Shaffer also of Rehoboth Beach were sworn in and testified in opposition. Mr. & Mrs. Allen Branch of Pennsylvania, also sent a letter to be read in opposition after hearing Mr. Blavakis's testimony and statements from the Board this group no longer opposed.

Mr. Mills asked why the home was placed up so far on property when all other homes in this development were set back much further. Mr. Blavakis replied that Nanticoke Homes placed the home their in relation to the location of the septic system. The septic system was shown on a drawing that Mr. Blavakis presented before board.

Motion was made by Mr. Mills, and seconded by Mr. Hudson and carried unanimously that the variance be granted with the stipulation that no further decking will be allowed. Vote 5-0

Case No. 6907 – Ernest B. Marvel, Jr. – South of Road 353, 860 feet east of Road 369,
Lot 3.

A variance from the lot width requirement.

The case was presented by Mr. Rickard. Mr. Earnest B. Marvel, Jr. of Millsboro was sworn in and testified, requesting a 17.04' variance from front setback to make it

possible to subdivide this parcel into two (2) lots. Mr. Ernest B. Marvel, Sr., also of Millsboro was sworn in and testified that he and Mr. Marvel, Jr.'s son would be placing doublewide homes on the subdivided parcel.

There were no parties present in opposition.

Motion was made by Mr. Mills, and seconded by Mr. Hudson and carried unanimously that the variance be granted. Vote 5-0.

Case No. 6908 – Giuseppe and Gretchen Randazzo – Southeast of Road 88, 3,000 feet
West of Route One, Lot 25,
Hernwood.

A variance from the side yard setback requirements.

The case was presented by Mr. Rickard. Giuseppe and Gretchen Randazzo of Greenwood were sworn in and testified requesting an 11.2' variance from side yard setbacks. Mr. Randazzo explained that their property is oddly shaped and that the placement of the house was based on the survey. The property markers for the adjoining property were the markers that the surveyor used to place the house within the correct setbacks. Since this mistake was made the house is not in compliance. He also stated that the Homeowner's Association was aware of the situation and they have now waited over month for this decision so that they can complete their house.

Mr. Mills asked for the name of the builder so that a letter can be written to him in regards to this mistake from Mr. Berl and the Board.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously that the case be taken under advisement. Vote 5-0.

At conclusion of the public hearings, the Chairman referred back to this case. After some discussion, motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously that the variance be granted.

Case No. – 6909 Jeffrey A. Adkins - East of Road 510, 1700 feet north of Road
515.

A variance from the front yard setback requirement.

The case was presented by Mr. Rickard. Mr. Jeffrey A. Adkins of Laurel was sworn in and testified requesting a variance of 12 feet from front yard setback. He stated that the addition to his home is 27' wide and 5' in depth. He stated that he had no neighbors in opposition of this request.

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. – 6910 Barbara D. Hempstead - Southeast of Road 277, Lot 37 and part of Lot 38, Angola By The Bay.

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

The case was presented by Mr. Rickard. Mr. Paul Hempstead of Centerville, PA, was sworn in and testified, requesting a 3' side yard and a 4' rear yard variance. Mr. Larry Chairman of Milford was sworn and testified that he would be the contractor on the project and that there were common lands in the rear and one (1) acre of land on the side. Mr. Hempstead stated that his neighbors were aware of his intentions and that they had no intentions.

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. Vote 5-0

Case No. – 6911 Deborah Thoroughgood - Northeast of Route One, Lot 12, Colonial East Mobile Home Park.

A variance from the separation requirement
Between units in a mobile home park.

The case was presented by Mr. Rickard. Ms. Deborah Thoroughgood of Rehoboth Beach was sworn in and testified, requesting a 5' variance to meet a 20' setback between units for shed. Ms. Joanne Parsons of Lewes was sworn in and testified that she was the Park manger and that she had sold the home to Ms. Thoroughgood . She also stated that she was in favor of this request and that no neighbors of the applicant had any objections.

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. Vote 5-0.

Case No. 6912 Thelma and Paul Twigg - Southeast of Route 54, East of Bayberry Road, Lot 11, and part of Lot 12, Keenwik On The Bay.

A variance from the side yard setback requirement.

The case was presented by Mr. Rickard. Dorothy Kelly of Long & Foster Realty was sworn in and testified requesting a 2.8' side yard setback variances on both sides and stating that the request for a rear yard setback is no longer needed due to diagram. Ms. Kelly said that the home was built in 1977 and that the applicants took ownership in 1987.

Ron Miller of Selbyville was sworn in and testified that as the homeowner of the adjoining property his only objection would be to a rear set back variance. Judy Farlow, Connie Bradshaw and Richard Bradshaw all of Selbyville were sworn in and testified to the same objection as Mr. Miller.

Correspondence was read by Mr. Rickard from Mr. Miller expressing the same objection with a note from Robert Hayes at the bottom that also agreed with this objection. Mr. Paul Twigg, the applicant, also read the correspondence and noted at the bottom that he had no objection to only a side yard variance because the rear yard variance was requested by mistake.

Motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously that the side yard setback variance be granted only and no additional encroachments will be allowed. Vote 5-0.

OLD BUSINESS

Case No. 6860 (cont'd) – Eller Media Company - West of Route 113, 40 miles South of Berry Road.

A special use exception to replace a Billboard and a variance from the square Footage for signs.

The case was reviewed by the Board. Mr. Mills stated that a precedence must be set in regards to billboards.

After some discussion, motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously that the case be denied. Vote 5-0

Case No. 6861 (cont'd) – Eller Media Company - West of Route One, 1,000 feet north of Route 9.

A special use exception to replace a
Billboard and a variance from the square
Footage and height requirements for signs.

The case was reviewed by the Board.

After some discussion, motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously that the case be denied. Vote 5-0

Election of Officers

Mr. Rickard opened the nominations for Chairman.

Motion was made by Mr. Wheatley and seconded by Mr. Hudson to nominate Mr. Callaway as Chairman.

Motion was made to close the nominations for Chairman be closed.

Nominations for Chairman were closed.

Motion was adopted to nominate Mr. Callaway as Chairman; 5 yea.

Vote by roll call:

Mr. Mills	-	yea
Mr. Hudson	-	yea
Mr. Wheatley	-	yea
Mr. McCabe	-	yea
Mr. Callaway	-	yea

Mr. Rickard opened nominations for Vice Chairman.

Motion was made by Mr. Wheatley and seconded by Mr. Mills to nominate Mr. McCabe for Vice Chairman.

Motion was made to close the nomination for Vice Chairman.

Nominations for Chairman were closed.

Motion was adopted to nominate Mr. McCabe as Vice Chairman; 5 yea.

Vote by roll call:

Mr. Mills	-	yea
Mr. Hudson	-	yea
Mr. Wheatley	-	yea
Mr. McCabe	-	yea
Mr. Callaway	-	yea

The meeting was turned over to Mr. Callaway, the new Chairman.

Motion was made by Mr. Callaway and seconded by Mr. McCabe to appoint Mr. Rickard as Secretary. Vote 5-0.

DISCUSSION

A short discussion was held in reference to the clean up of violations and the process in which they are handled. Mr. Berl stated that he is still working on getting the information to the Board.

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

Meeting adjourned at 8:52 A.M.