

## MINUTES OF JULY 15, 2002

The regular meeting of the Sussex County Board of Adjustment was held Monday evening July 15, 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 –Zoning Inspector II, and Mrs. Norwood – Recording Secretary.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Revised Agenda with the correction that Case No. 7879, John and Marien Smith was withdrawn on June 27, 2002. Vote carried 4 – 0.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of July 1, 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. 7871 – Edward and Dorothy Quinn** – east of Road 270-A, north side of Beaver Dam Reach, Lot 15, within The Woods At Seaside Subdivision, Phase I.

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

Mr. Oates presented the case. Ed Spera, the contractor, was sworn in and testified requesting a 2.5-foot variance from the required 10-foot side yard setback requirement and a 8-foot variance from the required 10-foot rear yard setback requirement; that the homeowner would like to build a screen porch on the existing deck; that the porch will only have an entrance from the rear of the porch and that there will be no access to the porch from the house; and that a landscape buffer is in the rear of the property with a fence.

Valerie Meisel was sworn in and testified in opposition to the application; that she is concerned with the impact the encroachment will have on her privacy and the noise that it would create by having living space so close to her home; that the development sold property prior to any building and gave homeowners the option to reposition their homes at that time to allow for extra porches; and that she submitted pictures.

Joanne Klingy was sworn in and testified in opposition to the application; and that she is concerned that the approval of this application will set a precedent for future variances.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the case be **tabled until August 5, 2002**. Vote carried 4 – 0.

**Case No. 7872 – Linda Westerside** – intersection of Route 5 and Rose Lane, Lot 22, within Orchard Manor Subdivision.

A variance from the west side yard setback requirement.

Mr. Oates presented the case. Linda Westerside was sworn in and testified requesting a 3-foot variance from the required 10-foot west side yard setback requirement for an existing carport; that the carport was built in 1994 with the proper building permits and a certificate of occupancy was issued; and that the violation was found when a survey was done to prepare for the sale of the property.

By a show of hands, 2 parties were in favor of the application.

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

**Case No. 7873 – Cinde L. Saul** – south of Route One, east of Sea Air Avenue, Lot A-30, within Sea Air Mobile Home Park.

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

Mr. Oates presented the case. Cinde L. Saul was sworn in and testified requesting a 4.1-foot variance from the required 20-foot requirement between units for an existing sunroom and a 10-foot variance from the 20-foot required east side yard setback requirement for an existing shed; that she purchased the unit with everything existing; and that all the proper permits were obtained.

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 variances be **granted**. Vote carried 4 – 0.

**Case No. 7874 – Corningware Corelle Revere** – south of Route One, 30 feet southeast of Road 271.

A variance for a second wall sign.

Mr. Oates presented the case. Lance Mueller was sworn in and testified requesting a variance for a second wall sign; that the store has changed its name; that he submitted pictures; that the old sign was 55-square feet; and that the new sign will be 30-square feet in size.

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. 7875 – Gene Stowell, Denise Stowell and Merrill J. Parker** – northeast of Road 412, 3,550 feet south of Road 433.

A variance from the front yard setback requirement for a poultry house.

Mr. Oates presented the case. Gene Stowell and Merrill Parker were sworn in and testified requesting an 8.1-foot variance from the required 50-foot setback requirement and an 18.5-foot variance from the required 50-foot setback requirement for existing poultry houses; that the access easement has existed for 18 years; and that the poultry houses have existed for 20 years.

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 variances be **granted**. Vote carried 4 – 0.

**Case No. 7867 Beach Urgi Care Centers** – southwest of Route One, 100 feet west of Washington Street.

A variance for two (2) additional wall signs.

Mr. Oates presented the case. Kenneth Rilling was sworn in and testified requesting a variance for an additional wall sign and 1 temporary seasonal banner and that 1 wall sign and 1 ground sign already exist; that the new wall sign will be 14'x3' and will be placed on the rear of the building; and that the banner is for promotional events and will be placed 4-feet from the front entrance.

By a show of hands, 1 party was in favor of the application.

Richard C. Miller was sworn in and testified in opposition to the application; that he submitted 3 letters of opposition; and that he was concerned to have a sign in a residential community.

Cynthia Rilling was sworn in and testified in support of the application; that the wall sign is needed to help the public locate the building; that the signs are professionally made and will only have directional lighting on the signs; and that the lights will only be on during office hours which are Monday thru Friday, 9:00 a.m. to 9:00 p.m. and Saturday and Sunday, 8:00 a.m. to 3:00 p.m.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the case be taken under advisement. Vote carried 4 – 0.

Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously that the case be **tabled until August 5, 2002**. Vote carried 4 – 0.

**Case No. 7877 – Jose A. Campos** – north of Road 40 1,600 feet west of Road 42.

A special use exception to connect two (2) manufactured homes to make one (1) unit.

**No one appeared on behalf of the application.**

By a show of hands, 30 parties appeared in opposition to the application.

Mr. Oates stated that the office has received a petition with 25 signatures in opposition to the application.

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

**Case No. 7878 – Stephanie R. Sheldon** – south of Route 54, east of Acre Drive, Lot 87, within Hidden Acres Subdivision.

A variance from the front yard setback requirement.

Mr. Oates presented the case. Allan Sheldon was sworn in and testified requesting a 17-foot variance from the required 30-foot front yard setback requirement for an existing detached garage; that all proper permits were obtained for the garage and that he did not understand where to measure for the setback and had measured from the edge of the road; that he has talked to neighbors that are in favor of the application; and that the existing home complies.

By a show of hands, 1 party was in favor of the application.

Patricia Arnold was sworn in and testified in opposition to the application;

that her husband called the Planning and Zoning office at the beginning of the construction to make them aware of the violation and he was told if the garage was in violation that it would be addressed at the time of the final inspection and that if the garage does not comply the owner could apply for a variance; and that her concern is that this procedure sets the wrong precedent.

Mary Mininger was sworn in and testified in opposition to the application; that she feels the applicant will be using the garage for a transmission repair business; that the fence is in violation; and that she submitted pictures.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the case be taken under advisement. Vote carried 4 – 0.

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously that the variance be **granted and that the Planning and Zoning office check into the fence.** Vote carried 4 – 0.

**Case No. 7880 – Dennis and Debbie Chorman** – north of private road, 1,800 feet west of Road 305, 1,545 feet north of Route 24.

A special use exception to place a second on farm manufactured home.

Mr. Oates presented the case. Dennis and Debbie Chorman were sworn in and testified requesting a special use exception to place a second on farm manufactured home; that when they started the procedure in February the Planning and Zoning office told them they would have no problem getting a placement permit; that when they came in to obtain the placement permit they were told that a hearing was needed; and that the manufactured home is for their son who helps on the farm.

By a show of hands, 12 parties were in favor of the application.

The Board found that no parties appeared 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. 7881 – Morgan and Susan Drake** – east of Road 270-A, north side of Shady Drive, Lot 5, within Shady Grove Subdivision.

A variance from the front yard setback requirement.

Mr. Oates presented the case. Daniel Myers was sworn in and testified requesting

a 3.4-foot variance from the required 30-foot front yard setback requirement for an existing dwelling; that he demolished the existing dwelling and built a new dwelling within the same footprint; that he used an existing iron pipe believed to be the property line marker; that when a new survey was done he discovered the violation; and that the certificate of occupancy was issued and he submitted pictures.

By a show of hands, 1 party was in favor of the application.

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

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

### Old Business

**Case No. 7861 – John and Carmela Coleman** – east of Road 274, southeast side of White Oak Road, Lot 94, within The Landing Subdivision.

A variance from the northwest side yard setback requirement.

The Board discussed the case.

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

**Case No. 7862 – Mark and Laurie Baker** – west of Route 30, 3,950 feet south of Road 231.

A special use exception to operate a commercial dog kennel on less than five (5) acres and a variance from the setback requirements for a commercial dog kennel.

The Board discussed the case.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the special use exception and variance be **denied**. Vote carried 4 – 0.

**Case No. 7868 – Michael Gamba** – south of Route 18, 500 feet east of Road 561.

A variance from the minimum lot width requirement for a parcel and a variance from the side yard setback requirement.

The Board discussed the case.

Motion by Mr. Hudson, seconded by Mr. Mills, and carried unanimously that the variances be **granted with the stipulation that the driveway be shared.**  
Vote carried 4 – 0.

**Other Business**

The Board discussed and read a letter from Mr. Rickard about his retirement.

Motion by Mr. Mills, and seconded by Mr. Hudson to appoint Mr. Oates as secretary. Vote carried 4 – 0.

**Meeting Adjourned 8:30 p.m.**