

## Minutes of July 17, 2000

The regular meeting of the Sussex County Board of Adjustment was held Monday evening July 17, 2000, at 7:00 P.M., in the 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. Wheatley, Mr. Mills, Mr. Hudson, with Mr. Berl – Assistant County Attorney, Mr. Oates – Planning and Zoning Inspector, and Ms. Jackson – Recording Secretary.

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously to approve the Revised Agenda with the correction that Case No. 7198 was withdrawn on June 15, 2000.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of July 10, 2000 as circulated.

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

Case No. 7195 – Trustees of Holy Trinity Church of God & Christ - southwest of Road 331, southeast side of First Street, Lots 13, 15, 17, and 19, within Riverview Subdivision.

A variance from the north side yard setback requirement.

Mr. Oates presented the case. Rev. L.T. Blackshear was sworn in and testified requesting a 1-foot variance from the required 15-foot north side yard setback requirement for a fellowship hall addition; and that he wants the fellowship hall to line up with the existing church.

By a show of hands 3 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 variance be granted. Vote carried 5 – 0.

Case No. 7196 – Jonathan and Karen M. Hearn – south of Road 544, 1 mile west of U.S. Route 13-A, Lot 9.

A special use exception for a farm pond on less than five acres.

Mr. Oates presented the case. Jonathan Hearn was sworn in and testified requesting to enlarge an existing pond; that he would be increasing the pond up to 1/3 of an acre; that he has less than five acres; that his pond is a spillway off of Hearn's Pond;

that he has approvals from DNREC, Department of Agriculture and the Corp. Engineers; that in the summer his pond usually dries up; and that he does not plan to dig any further down than the 4 inch clay bed.

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

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously that the special use exception be granted. Vote carried 5 – 0.

Case No. 7197 – Wayne Hellens – east of Route 5, 3,400 feet north of Road 47.

A variance from the lot width requirement.

Mr. Oates presented the case. Ray Wayne Hellens and Howard D. Barker were sworn in and Jack Hendrickson, Attorney, present on behalf of the applicant's, requesting a 100-foot variance from the required 150-foot lot width requirement; that the Will of Howard Barker, dated January 23, 1992, subdivided his lands leaving part to Wayne Hellens with a 50-foot right of way to said lands from Route 5 and the remainder of land to Howard Barker's son, David Barker; that Howard Barker died on February 29, 1999; that the rear of the property is irregularly shaped; and that they never intend to sell the property.

Charles Reed was sworn in and stated that although he does not oppose the application he does have a concern that the public hearing notice was posted on his property and not the applicants.

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

Motion by Mr. Wheatley, seconded by Mr. McCabe, and carried unanimously that the variance be granted. Vote carried 5 – 0.

Case No. 7198 – Karen R. Eastridge – northeast of Road 585, 1,500 feet northwest of Road 32.

A special use exception to connect two manufactured homes to make one unit.

This case was withdrawn.

Case No. 7199 – Albert Croll – north of Route 18, 200 feet east of Road 320.

A special use exception to place a mobile-home-type structure as a temporary

office.

Mr. Oates presented the case. Albert Croll was sworn in and testified requesting to place a temporary office; that the temporary office will be placed directly behind the existing office; and that it will be shielded from the road.

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

Motion by Mr. Wheatley, seconded by Mr. Mills, and carried unanimously that the special use exception be granted for a period of 2 years. Vote carried 5 – 0.

### **Old Business**

Case No. 7174 – Alden James, Nanette James, and David Horsey – south of Route 20, 0.3 miles southeast of Road 62.

A special use exception for a determination of existence of a non-conforming use for a borrow pit.

The case was reviewed by the Board.

After some discussion, motion was made by Mr. Wheatley, seconded by Mr. Mills, and carried unanimously that the special use exception be granted with 3 votes in support, with Mr. Hudson opposed to the motion and Mr. McCabe not voting.

Case No. 7192 – Darlene Crain – west of Road 293, 2,672 feet south of Road 295.

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

The case was discussed by the Board. There were questions raised by parties in opposition to the case at the July 10, 2000 Board of Adjustment meeting that there were deed restrictions. After receiving the deed from the applicant, the Board found that there were no restrictions on the deed pertaining to this case.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance and special use exception be granted with the stipulation that the driveway is to be shared. Vote carried 5 – 0.

Meeting Adjourned 7:40 P.M.