

Minutes of July 27, 1992

A special meeting of the Sussex County Board of Adjustment was held Monday evening, July 27, 1992 in the County Council Chambers, Room 115, Courthouse, 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. Wheatley, Mrs. Hudson, Mr. Mills, Mr. Callaway, Mr. Jones-Attorney and Mr. Betts-Zoning Inspector III.

Motion was made by Mr. Wheatley, seconded by Mr. Mills and carried unanimously that the minutes of July 20, 1992 be approved as circulated.

Case No. 4818--Nathaniel Hitchens - East side of Route 326, 300 feet south of Route 318.

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. Nathaniel Hitchens was sworn in and testified, requesting to place a 1973, 12'x 60' manufactured home on his property for his permanent residence. The manufactured home is on the lot, but not occupied. He testified that his brother lives in a manufactured home in the area.

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. 4819--Glenn M. Adams - North side of Route 277A, at Route 24.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Glenn Adams and Bernard Kossek, neighbor, were sworn in and testified. Mr. Adams testified requesting a variance of 5' from the side yard setback requirement of 5' to be 5' for a 10'x 20' porch he wants to construct on his property, being Lot 53, Fox Hollow. The applicant purchased his home, already on the property with a garage, that is too close to the property line. The variance request is for the porch and garage. The home is presently not a year round home, but will be a retirement home in the future. Mr. Kossek has no objections.

There were no parties present in opposition.

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

Case No. 4820--David A. Ritter - South side of Route 22, 2,000 feet west of Route 22C.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. David Ritter and Charles Goepel were sworn in and testified, requesting a 15' variance from the 20' setback requirement to be 5' from the side yard property line setback for a commercial use. The applicant proposes to place a 30'x 60' commercial building on the property to do marine repairs. No visibility will be affected and there are commercial uses across the road from the applicants property.

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. 4821--Terri M. Wooters - West side of Route 348, 575 feet north of Route 349.

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. Terri Wooters and Jimmy Wooters were sworn in and testified, requesting to place a 1974, 28'x 65' manufactured home on their property for their residence. The unit is presently on the property, but not occupied. They testified that there are other manufactured homes in the area.

Debbie Hastings, sister, and Pamela Toslowski were sworn in and testified in behalf of the application.

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. 4822--Tony Jeffery - South side of Route 277, $\frac{1}{4}$ mile east of Route 24, Lots 53 and 54, within Angola By The Bay.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Tony Jeffery was sworn in and testified, requesting a 5' variance from the 30' front yard setback requirement to be 25', on Lots 53 & 54, Angola By The Bay. Mr. Jeffery has a 9'x 27' deck on the property that he wants to replace with a 14'x 27' new open deck. It will not be enclosed. He stated that he has approval from Angola By The Bay Association.

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. 4823--Gianni Ballarin & Kevin McDuffie - Northwest side of Atlantic Street, 324 feet south of Atlantic Street, west of Route One going into Rehoboth, Lot 19, Blk A., within Washington Heights.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Kevin McDuffie was sworn in and testified, requesting a 5' variance from the 10' side yard setback to be 5', on Lot 19, Washington Heights. He proposes to build a two room addition to his home as well as a sunroom to an existing cottage on the property. Both structures are used as separate dwellings that have existed for many years. He stated there are other houses within the development with similar setbacks. Mr. McDuffie presented a petition with three (3) signatures of property owners in the area who have no objections to the variance.

Mr. Betts read the petition into the record.

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. 4824--Pamela Lewis - North side of Route 549, 0.5 mile west of Route 80.

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

The case was presented by Mr. Betts. Pamela Lewis and Harold Coulbourn, father, were sworn in and testified. Ms. Lewis requested to place a 3rd. manufactured home on her father's farm for her residence. Her father lives a farm house on the property and an uncle and brother live in the existing manufactured homes. Mr. Coulbourn stated that his son's manufactured home is going to be removed. Ms. Lewis has not purchased her manufactured home as yet, but is considering a double-wide.

There were no parties present in opposition.

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

Case No. 4825--Carol L. Spencer - South side of Route 565, 1,445 feet east of Route 113.

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. Carol Spencer was sworn in and testified, requesting to place a 14'x 70' manufactured home on her property being 2.62 acres. She has not purchased the manufactured home yet. She testified that there are two (2) other manufactured homes in the area, as well as a double-wide manufactured

home on adjacent property that she owns and has for sale. She stated that the existing manufactured home she has on adjacent property has to be sold for divorce settlement.

Mr. Betts read a letter of opposition with 13 signatures, into the record.

Clifford Thomas speaking on behalf of his wife and himself, was sworn in and testified in opposition. He explained what is in the area and how the manufactured homes are being replaced and the area is improving. He feels the manufactured home is not suitable to the area.

There were five (5) people in opposition by a show of hands.

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

Case No. 4826--James Bailey - East side of Route 437, 2,900 feet north of Route 24.

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

The case was presented by Mr. Betts. James and Monica Bailey were sworn in and testified, requesting to place a 12'x 60' manufactured home on their property for Mr. Bailey's mother on basis of hardship. He testified that she has arthritis in her back and hands. A letter from her doctor was presented, referencing her condition. Mr. Bailey lives in a house on the property and has an existing manufactured home occupied by a carpenter, who lives there and is also fixing the manufactured home up. He stated that the property is not farmed.

Mr. Jones, Attorney, questioned the validity of the existing manufactured home.

Mr. Betts stated he would have to research the property in regards to the existing manufactured home.

Mr. Bailey testified that he previously lived in the existing manufactured home. He built a home approximately 8 years ago and did not remove the manufactured home.

Vern Whaley was sworn in and testified in opposition. He owns property adjoining Mr. Bailey's and is opposed to another manufactured home going on the property. He lives on Route 24, but owns property adjacent to the Bailey property. He is concerned also about drainage.

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 Mr. Wheatley, seconded by Mrs. Hudson and carried unanimously that the case be tabled, and Mr. Betts research the validity of the existing manufactured home.

Case No. 4827--Larry & Barbara Miller North side of a private road, 400 feet north of Route 297, 300 feet east of Route 307.

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. Larry and Barbara Miller were sworn in and testified, requesting to place a manufactured home, not sure of the size, on their property for their daughter. Their daughter will co-own the manufactured home. They explained the location of the property and what is in the area.

Mr. Jones, Attorney, explained that it is the policy of the Board that the person living in the manufactured home must also have their name on the deed as well as the manufactured home.

Mr. Miller stated that there would be no problem putting their daughters name on the deed to the land also.

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, with stipulations that their daughters name be put on the deed to the land and the manufactured home.

Case No. 4828--Tray & Margaret Penland - South side of Route 22, $\frac{1}{2}$ mile east of Route 298, Lot 288, within Pot Nets Mobile Home Park.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Pearl Margaret Penland and Paul W. Hirscher were sworn in and testified. Mrs. Penland requested a 3'4" variance from the side yard setback requirement of 5' to construct a carport. The property is located in the old park where the lots are irregular and the manufactured homes close to property lines, being Lot 288, Pot Nets Mobile Park. She will also install a full A-Roof. Mr. Hirscher stated that the variance has been approved by Mr. Tunnell of Pot Nets Park.

There were no parties present in opposition.

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

Case No. 4829--Walter W. Hood - Southwest side of Route One, $\frac{1}{4}$ mile north of Route 9, Lot 6B, within Holiday Trailer Park.

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

The case was presented by Mr. Betts. Walter Hood was sworn in and testified, requesting a 10' variance from the 20' setback requirement between units in a park, being Lot 6B, Holiday Trailer Park. He wants to replace his existing manufactured home with a new 12' or 14' unit, whichever he can get on the property. He is not aware of any other 10' setbacks between units in the park.

Mr. Betts read a letter into the record from James H. Bettis, owner of the park, voicing no objection to the variance.

It was decided that a 4' variance is needed between units on the side and a 11' variance between units at the rear of the property to allow a 14' wide manufactured home.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mr. Wheatley and carried unanimously that the variances be granted for an 11' variance from units in the rear and a 4' variance between units on the side.

Case No. 4830--Irene Lowe, Vernon B. Cordrey and Richard E. Cordrey - East side of Route 413B, $\frac{1}{4}$ mile south of Route 24.

A variance from the lot width requirement.

Vernon Cordrey was sworn in and testified, requesting a 20.79' variance from the 150' lot width requirement for a lot. Mr. Cordrey and his sister propose to subdivide a parcel of land into two parcels.

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. 4831--David & Barbara Irwin - Southwest side of Route 5, $\frac{1}{2}$ mile southeast of Route 311, Lot 55, within Oak Meadows.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Barbara Irwin was sworn in and testified, requesting a 0.34' variance from the side property line of 10' to be 9.66'. The applicants had contracted Larry's Homes in 1988 to place their manufactured home on Lot 55 in Oak Meadows. Until the property was resurveyed for re-financing the applicants were not aware of an encroachment. A variance is needed to bring the unit into compliance.

There were no parties present in opposition.

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

Case No. 4832--Wallace R. Sheldone - North side of Route 9, 1,400 feet east of Route 265, Lot 1, within Sussex East.

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

The case was presented by Mr. Betts. Wallace Sheldone was sworn in and testified, requesting a 3'8" variance from the 20' requirement between units in a park to be 16'4" on Lot 1, in Sussex East. Mr. Sheldone built a 5'x 12' deck on the property. The neighbor enclosed his deck making the applicant's deck encroach the 20' setback requirement between units.

Mr. Betts read two letters in favor of the requested variance from Warren Class, park owner and Margaret Andrews who lives at 3 Bristle Way.

There were no parties present in opposition.

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

OTHER BUSINESS

Case No. 4815 (cont'd.)--Four Paws Animal Hospital - On a private road on the south side of Route 531, ½ mile west of Route 533.

A variance from the setback requirements for an animal hospital.

Mr. Jones reviewed the case and commented on the legal issues brought up at the hearing. He advised the Board what they should consider in regards to the Zoning Code.

After some discussion, motion was made by Mr. Mills, seconded by Mr. Wheatley and carried unanimously that the variance be granted, with following stipulations: 1) A fence must be installed along the rear property line, not to exceed 8' in height and 3½' the first 30' back. 2) The easement to be opened on the west side of the property and clearly marked. 3) Not to utilize the existing easement for the animal hospital entrance. 4) No boarding of animals.

Case No. 4817 (cont'd.)--Stanley Huey, Sr. - Northwest side of Route 36, across from Route 208.

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

Mr. Betts reviewed the case. He stated that Mr. Huey had two placement permits, one on farm and one replacement. It is believed the replacement manufactured home was put on the property

and the one to be replaced was not removed. Mr. Betts stated that the first manufactured home is considered non-conforming and the second manufactured home is illegal in that it is rented.

After some discussion, motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously that the special use exception be granted for the third manufactured home for Mr. Huey's son and daughter-in-law to live in and that the second manufactured home be resolved (removed).

DISCUSSION

Jerry Edge

Mr. Betts gave an up to date report on the property owned by Jerry Edge.

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

Meeting adjourned at 8:36 P. M.