

Minutes of August 2, 1993

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, August 2, 1993 in the County Council Chambers, Room 115, Georgetown, Delaware.

The meeting was called to order at 7:00 P. M. with Vice Chairman Wheatley presiding. The Board members present were: Mr. Wheatley, Mrs. Hudson, Mr. Mills, Mr. Callaway, Mr. Jones-Attorney and Mr. Betts-Zoning Inspector III.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the minutes of July 19, 1993 be approved as circulated.

Case No. 5141--Carole King - North side of Route 42, 3,000 feet east of Route 592.

A special use exception to place a manufactured home on a medical hardship basis and a variance from the minimum size requirement for a manufactured home.

The case was presented by Mr. Betts. Marie Bevins, daughter of the applicant and James King, Jr. were sworn in and testified in behalf of the application. The applicant requested to place a 8'x 37' manufactured home with two tip-outs, on her daughter's property on basis of hardship. A variance from the 450 square foot manufactured home size is requested as well. Mr. King testified that Ms. Bevins has children that Mrs. King takes care of while she works. Also, Mrs. King needs to have her daughter nearby for mental stability. Ms. Bevins stated that her mother cannot be alone. The manufactured home has been on the property two months. Ms. Bevins lives on the property in a double-wide manufactured home. They testified that there are other manufactured homes in the area.

Mr. Betts read a letter from a doctor referencing Mrs. Kings need to have someone near her.

There were no parties present in opposition.

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 Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the special use exception and variance be granted for a period of two (2) years.

Case No. 5142--Charles E. & Gloria J. Haydon - North side of Route 18, 1,780 feet east of Route 265, Lot 13, within Sea Spray Village.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Charles & Gloria Haydon were sworn in and testified, requesting a 0.4' variance from the side yard setback requirement of 10', on Lot 13, Sea Spray Village. Mr. & Mrs. Haydon purchased the property with the dwelling existing. They stated the dwelling had been on the property approximately 7 years. When a survey was done the encroachment was discovered.

Sally Jane & Michael DeLoy were sworn in and testified in behalf of the variance request. Mr. & Mrs. DeLoy stated they purchased the property prior to Mr. & Mrs. Haydon and the dwelling had been on the property for 8 years. The home was placed 8 years ago by Nanticoke Homes.

There were no parties present in opposition.

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

Case No. 5143--Granville M. Russell - South side of Route 31, one mile west of Route 568.

A variance from the lot width requirement.

The case was presented by Mr. Betts. Granville Russell was sworn in and testified, requesting a 62' variance from the 150' frontage requirement for a new lot. The applicant is subdividing to sell a house on this property. The remaining property will then have less than 150' of road frontage and will be used as access to his farm.

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. 5144--Harvey & Betty Warrington - North side of Route 40, $\frac{1}{4}$ mile west of Route 42.

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. Harvey & Betty Warrington were sworn in and testified, requesting to place a manufactured home on less than five acres to be near their poultry farm. The applicants propose to place a 28'x 56' double-wide manufactured home for their residence. The applicants stated that they own a poultry farm that has a tenant manufactured home on it. They want to place their manufactured home, for their residence on the parcel adjacent to it to be closer to the operation of the poultry houses.

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. 5145--Pamela M. Cannon - North side of Route 18, 2,000 feet east of Route 42.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Pamela Cannon was sworn in and testified, requesting a 7' variance from the 10' side yard setback requirement to be 3', for an unenclosed deck. The applicant had built a deck that met the setback requirement until she cleaned out a pond on the property. When this happened the setback changed. She thought her property line went into the water, but found out it is at the waters edge.

There were no parties present in opposition.

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

Case No. 5146--John L. Andrews - Route 54, Lot 27, within Cape Windsor.

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

The case was presented by Mr. Betts. John Andrews and Mrs. Andrews were sworn in and testified, requesting a 3' variance from the 20' setback requirement between structures in a manufactured home park, being Lot 27, Cape Windsor. The applicants propose to place a Nanticoke Home on the lot.

Mr. Betts referenced a letter from the Attorney, Mr. Jones, in which Cape Windsor will no longer be considered a manufactured home park and will no longer go by the setback requirements of a manufactured home park. They will now abide by AR-1 setbacks since it is an AR-1 Subdivision. Therefore, the requested variance does not apply. The setbacks will be 30' from the front property line, 10' from the side property line and 20' from the rear property line.

The applicant requested that their variance be considered as requested, since they have a pad on the property and want a side yard.

Mr. Jones, Attorney, stated that the Board could act on their request as presented since the application was applied for prior to the change in the Cape Windsor setbacks.

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. 5147--Denice Crimmins - North side of Route 454B, 927 feet west of Route 453.

A variance from the setback requirement for a private stable.

The case was presented by Mr. Betts. Denice and John Crimmins were sworn in and testified, requesting a 34' variance from the 50'

setback requirement for a barn that will house horses. The applicant testified that she had a design for her barn and that there was confusion when she went to D.N.R.E.C. for their approval and permit, and to the County for a building permit. She obtained a building permit for a dwelling and failed to put the barn on the permit. She assumed all permits had been obtained and construction was started. She was told by the County that she was in violation and did not have a permit for the barn. Construction was stopped and she discovered a 50' setback was needed when she applied for a permit. She requested the variance to be able to continue building the barn at its present location.

Elaine McNeal Carr owner of the farm across the road, was sworn in and testified in behalf of the request. She stated that the applicants property is kept very neat.

Phyllis Cordrey was sworn in and testified that the applicant is her future daughter-in-law and she is in favor of the requested variance. She stated that she is an asset to the area and she has no problem with the horses.

Woodard Bartlett was sworn in and testified in behalf of the application and agrees with what the previous people said.

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. 5148--Traci A. Jewell - Northeast side of Route 294, ½ mile northeast of Route 248.

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. Traci Jewell and Elizabeth Tucker were sworn in and testified and were represented by Mr. Maull, Attorney. The applicant requested to place a manufactured home in an AR-1 District on less than five acres. The manufactured home has been on the property for 10 years. Elizabeth Tucker owned property and the property was subdivided and put in her daughter's name with life-time rights for her. One manufactured home was placed in 1977-78 with a permit and the 2nd. manufactured home was placed in 1983 without a permit. It was assumed a 2nd. permit had been obtained. The manufactured home is 14'x 52' in size. In order for the 2nd. manufactured home to remain on the property, Board approval is needed.

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. 5149--Lois M. & Elliott Williamson - East side of Route 113, 950 feet south of Route 623, Lot 4, within Maringola Tract, Sec. I.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Lois & Ernest Williamson were sworn in and testified, requesting a 3' variance from the 10' side yard setback requirement to be able to place a new 66' double-wide manufactured home on their property, being Lot 4, Maringola Tract, Section 1. The applicants own Lots 3, 4 & 5. Lot 3 has a manufactured home on it and the applicants existing manufactured home will be placed on Lot 5. In order to place their new unit on Lot 4, a variance from the side yard setback is needed. Their mother lives on Lot 3.

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. 5150--Donald Kefauver - South side of Route 566, 3/4 mile west of Route 562.

A variance from the rear yard setback requirement.

The case was presented by Mr. Betts. Donald Kefauver was sworn in and testified, requesting a 5' variance from the 20' rear yard setback requirement for 2 carports that are attached to a shed. Mr. Kefauver stated that he moved a 12'x 20' shed on his property approximately 2 years ago and built 2 carports onto it.

Mr. Betts stated that only one permit for the shed was obtained and there were none for the carports.

Mr. Kefauver presented a copy of a permit for a dwelling and garage attached, but no carports.

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. 5151--Bethany Forest Association, Inc. - Northeast side of Route 347, 2,100 feet east of Route 346.

A special use exception to place a manufactured home to be used as a sales office.

The case was presented by Mr. Betts. Edwin S. Howell was sworn in and testified, representing Bethany Forest Association, Inc. who requested to use a manufactured home as a sales office for a development. Mr. Howell stated that the unit is a construction trailer, but has been used for sales. He stated the use is only temporary until the models to be used for sales are completed, which should be 6 to 7 weeks. The construction trailer will stay on the property but when the models are completed it will no longer be used for sales.

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 for a period of six (6) months.

Case No. 5152--Ocean Petroleum Co. of Rehoboth, Inc. - West side of Route One, on the south side of the intersection of Route 24, Lot 2 and part of Lot 1, within Truitt's Midway Development.

A variance from the requirements for signs.

The case was presented by Mr. Betts. Edward J. Ellis and Eugene F. Trapkins were sworn in and testified representing the applicants who requested a 14' variance from the 20' side yard setback of 20' to erect a sign for an Exxon Gas Station. The sign without the price sign is 98.5 sq. ft. in size. The price sign is 11 x 7 sq. ft. The sign will be located on Lot 2 and part of Lot 1, Truitt's Midway Development on the corner of Route One and Route 24. Condemnation of part of the property was done for the widening of Route 24, which has an impact on the placement of the sign. They stated the sign will be located as shown on the site plan.

Mr. Betts read a letter from Harold Millman, Jr. voicing no objections.

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. 5133 (Cont'd.)--Clyde W. Schafer - South side of Route 54, west of Route One, Lot 24, Blk. 5, within Cape Windsor.

A variance from the maximum lot coverage requirement and from the setback requirement between units in a park.

The case was reviewed by Mr. Betts.

It was decided that a variance from the lot coverage and setback between units is not needed since the setback requirements have changed as referenced in Case No. 5146. It was not decided if a variance is needed from the property lines to now meet the new setback requirements.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the case be tabled to give Mr. Betts time to see if a property line variance is needed.

Case No. 5140 (cont'd.)--Donald & Patricia Dailey - Southwest side of Cleveland Avenue, 320 feet south of Lincoln Drive, Lot 40, Block 4, within Cape Windsor Subdivision, south of Route 54.

A variance from the maximum lot coverage requirement.

The case was reviewed by Mr. Betts.

It was decided that a lot coverage variance is not needed since the setback requirements have changed as referenced in Case No. 5146. After review of the plot plan it was decided however, that Mr. Dailey needs a 5' variance from the rear property line for an open unenclosed deck. The setback requirement from the rear property line is 20' and the deck will be 10'. An open unenclosed deck can encroach into the setback 5'.

Motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously that a 5' variance from the rear property line setback requirement be granted. It was noted that a variance from the maximum lot coverage requirement is not needed.

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

Meeting adjourned at 8:28 P. M.