

Minutes of August 7, 1995

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, August 7, 1995, 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. Mills, Mrs. Hudson, Mr. Wheatley, Mr. Jones-Attorney, Mr. Betts-Zoning Inspector III, Mr. Lank-Director, and Mrs. Watkinson-Clerk.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the minutes of July 24, 1995, be approved as circulated.

Case No. 5741--Richard C. and Janie M. Miller - northeast side of Route 275A, 700 feet southeast of Route 274.

A variance from the minimum lot width requirement for four (4) lots.

The case was presented by Mr. Betts. Richard C. and Janie M. Miller affirmed and testified that they are proposing to subdivide the parcel into four (4) lots for family members, and that the family members propose to build homes on the lots.

Linda Miller and Alphonzo Miller, Sr. affirmed and testified that the family opposes the subdivision of the parcel into four (4) lots since the parcel was left to the family to be divided into three (3) parcels, since the applicants applied for four (4) lots without their knowledge, and since ownership of the parcel is in question.

Linda Miller submitted two (2) letters in opposition to the application.

Motion was made by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, the Chairman referred back to this case.

Motion by Mr. Mills, seconded by Mrs. Hudson, and carried unanimously that the variance be denied, finding that the applicants haven't met the requirements for granting a variance and since the parcel can be developed as three (3) lots.

Case No. 5742--Bernard and Leona Long - north side of Route 434, 2,400 feet southeast of Road 74.

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. Bernard and Leona Long were sworn in and testified that they proposed to place a 28' by 60' doublewide manufactured home on their wooded lot of 2.5 acres, that their son will reside in the existing manufactured home on 5 acres, and that access to this lot is from Road 434.

Emogene Rickards, an adjoining landowner was sworn in and testified that she first wanted to verify the lot size for the manufactured home.

Charles and Helen Shamburg, adjoining landowners, were sworn in and testified questioning the number of manufactured homes proposed, stating that they purchased 5 acres to place their manufactured home to comply with regulations, and expressing concerns that property values could depreciate if manufactured homes continue to be permitted on smaller lots in the area.

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.

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the case be tabled.

Case No. 5743--Susan B. Soder - northeast side of Bayshore Drive,
1 mile south of Route 16, Lot 55, Block
13, within Old Broadkill Beach.

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

The case was presented by Mr. Betts. Raymond McCabe, Jr., a Nanticoke Homes, Inc. representative, was sworn in and testified that the lot has a small buildable area due to setback and the State Department of Resources and Environmental Control building restriction line, that the street on the side, Pierce Avenue, has not been constructed, that a four (4) foot variance is requested from the front setback required and that a 4.95 foot variance is requested from the corner side setback required.

No parties appeared in opposition.

Motion by Mrs. Hudson, seconded by Mr. Wheatley, and carried unanimously that the variances being granted due to the odd shape of the lot and the restrictive size of the lot.

Case No. 5744--Howard L. Goodwin - south side of Center Avenue, at
the intersection of Route 271, Lot C-72,
within Sea Air Mobile Home Park.

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

The case was presented by Mr. Betts. Howard L. Goodwin was sworn in and testified that he proposes to build a deck similar to

many others within the park, Sea Air Mobile Home Park, that the park owners have voiced no objection, and that the deck will be twenty eight (28) inches above grade.

Robert Littleton, maintenance supervisor for Sea Air Mobile Home Park, was sworn in and testified that park management has no objection to the proposed deck.

No parties appeared in opposition.

Motion by Mr. Mills, seconded by Mrs. Hudson, and carried unanimously that the variance of eleven (11) feet from the required twenty (20) foot between improvements be granted.

Case No. 5745--R & L Enterprises T/A Aerial Display - east side of
Route 113, 900 feet north of Route 16.
A special use exception to place an off premise sign.

The case was presented by Mr. Betts. Richard Lankford was sworn in and testified that a lighted double faced billboard is proposed to be built on the side in compliance with all setbacks and the height will not exceed twenty-five (25) feet.

Mr. Lankford submitted pictures of signs north and south of his proposed site, sketches of the sign, the site, and the sign construction.

No parties appeared in opposition.

Motion made by Mr. Wheatley, seconded by Mrs. Hudson, and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, the Chairman referred back to this case.

Motion by Mr. Mills, seconded by Mrs. Hudson, and carried unanimously that the special exception for a sign be granted.

Case No. 5746--Karen Clark - northwest side of Route 285, 1/2 mile
south of Route 287.
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. Karen Clark and Barbara Clark were sworn in and testified that a new 28' by 56' doublewide manufactured home is proposed and that the lot is surrounded by family owned properties improved with dwellings.

No parties appeared in opposition.

Motion by Mrs. Hudson, seconded by Mr. Wheatley, and carried unanimously that the special use exception be granted.

Case No. 5747--Pine Acres, Inc. T/A Leisure Point - north side of

Route 23, 4,300 feet east of Road 298,
within Leisure Point.

A variance to allow roof and screened in porch on
park models within membership area only.

Mr. Jones stated that he could not advise the Board on this
case due to a conflict of interest.

The case was presented by Mr. Betts. George H. Harrison, Jr.
was sworn in and testified that he proposes to build screened
porches with shingled roofs on the park model camping units placed
in the membership camping area, that the Board granted wooden decks
for the units in the membership camping area several years ago and
that the porches he proposes will replace those decks, that the
variance is necessary since the code only permits structures manu-
factured for camping purposes and that the units are rented and
need more permanent additions.

No parties appeared in opposition.

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

Case No. 5748--Sue Bartley - south side of Route One, 1/4 mile
north of Route 88.

A special use exception to place an off premise
sign and a variance from the requirements for signs.

The case was presented by Mr. Betts. Lynn Rogers of Rogers
Sign Co. was sworn in and testified that the site is improved by
two (2) billboards and that the owner proposes to place signage
on the rear of the signs to cover the exposed framework of the
signs.

Motion by Mr. Wheatley, seconded by Mr. Mills, and carried
unanimously to take this case under advisement.

At the conclusion of the public hearings, the Chairman referred
back to this case.

Motion by Mr. Mills, seconded by Mrs. Hudson, and carried
unanimously that the special exception be granted.

Case No. 5749--Geraldine Reed - west side of Route 16A, at the
intersection of Route 357, Lot 300, within
The Salt Pond.

A variance from the rear yard setback requirement.

The case was presented by Mr. Betts. Jeff Clark of Land Tech,
Inc. was sworn in and testified that many lots in Salt Pond Develop-
ment have Federal wetlands, that the development has a self imposed
ten (10) foot setback from Federal Wetlands, that the wetlands
occupy the rear of the lot, that the lot is impacted due to required
setbacks and wetlands causing restriction in size and shape of a
residence, that they propose to build decking and a screened porch
up to the wetlands and will not encroach into the wetlands, that he

August 7, 1995

is not aware of any objections from the developers, that the ten (10) foot wetland setback is a restriction imposed by the developer and that all other county code requirements will be met, and that the Salt Pond Architectural Review Committee will also have to consider the building plans.

No parties appeared in opposition.

Motion by Mrs. Hudson, seconded by Mr. Mills, and carried unanimously that the variance be granted due to the odd shape of the lot.

Case No. 5751--Land Tech, Inc. - east side of Route One, 1/4 mile south of Route 360, Lot 2, within Admiral's Point.

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

The case was presented by Mr. Betts. Jeff Clark of Land Tech, Inc. who was sworn in for the previous case, testified that a mobile/modular unit is proposed to be utilized for a sales office, that the unit will be placed and landscaped to create an appearance of permanence to blend in with the community. Mr. Clark added that the subdivision is a part of the original Sea Break Residential Planned Community, and that this part of the development is proposed to be called "The Retreat".

No parties appeared in opposition.

Motion by Mrs. Hudson, seconded by Mr. Mills, and carried unanimously that the special exception be granted for a period of five (5) years.

Case No. 5752--Jehu E. Lynch, Jr. - south side of Route 381A, 1/4 mile east of Route 382.

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

The case was presented by Mr. Betts. Cynthia Lynch and Jay Lynch were sworn in. Mrs. Lynch testified that her father and mother are both deaf, and have lived on the site as a hardship since 1972, that they presently occupy a single wide manufactured home unit and propose to replace the unit with a 1995 doublewide unit, and that she drives her parents when needed. Mr. Betts read a letter from Jack C. Lewis, M. D. referencing the need for care.

No parties appeared in opposition.

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

Case No. 5753--Charles E. and A. Jeanne Lovenguth - east side of Route 30, 1,200 feet north of Route 16.

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

The case was presented by Mr. Betts. Charles E. and A. Jeanne Lovenguth were sworn in and testified that the 14' by 60' manufactured home is proposed so that they can care for parents of the applicants, that a site built home exists south of the site and a farm field exists north of the site, and that the unit will be placed behind their residence.

Mr. Betts read a letter from a doctor referencing medical problems of both parents and the need for family care.

No parties appeared in opposition.

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

Case No. 5754--Country Glen Homes, Inc. - west side of Route 594,
1/4 mile south of Route 545, Lot 50, within
Country Glen Subdivision.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Joseph A. Podlasek, developer of Country Glen Subdivision, was sworn in and testified that the home was placed in 1986 and 1987 as specified by a surveyor and were located twenty-five (25) feet setback from the front property line and that a 9.17 foot variance is needed to allow the unit and addition to remain as located.

No parties appeared in opposition.

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

Case No. 5755--James S. Truitt, Jr. - north side of Route 273, 0.8
mile west of Highway One.

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

The case was presented by Mr. Betts. James S. Truitt, Jr. was sworn and testified that he proposed to place a 14' by 48' manufactured home on his lot for an office for the Silver View Farm Manufactured Home Park, that 135 of the 147 lots in the park are leased, that he proposes to remove a rental cottage from the site, that he presently uses an 8' by 10' room within his dwelling and needs more space, that the unit is proposed to be placed approximately 100 feet setback from the front property line, that the unit will have lap siding, a shingled roof and a deck, that the heating and air conditioning for the dwelling is not adequate for an addition, that the unit will be skirted and landscaped, and that the driveway will be designed to better accommodate tenants.

Mr. Betts read a petition in opposition containing fourteen (14)

signatures and referencing concerns about congestion and depreciation of property values.

Bobby Kirker, an area resident, was sworn in and testified that he represented residents in the area and expressed concerns about depreciation of property values of homes in the area valued at \$85,000.00 to \$300,000.00, stating that the unit could be placed on a lot within the park and utilized for an office, and expressing a concern about traffic congestion.

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, the Chairman referred back to this case.

Motion by Mr. Mills, seconded by Mrs. Hudson, and carried unanimously that this case be tabled.

OLD BUSINESS

Case No. 5672 (cont'd)--Malone's Bayside Marina - north side of Route 22, one mile east of Route 22C, Lot 8 Oyster, within Malone's Bayside Marina.
A variance from the setback requirement between units in a park and variance from the minimum square footage of a manufactured home in a park.

Mr. Betts advised the Board that the surveyors were working at the site and that a survey should be available in the near future.

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

Case No. 5673 (cont'd)--Malone's Bayside Marina - north side of Route 22, one mile east of Route 22C, Lot 10 Clam, within Malone's Bayside Marina.
A variance from the setback requirement between units in a park and a variance from the minimum square footage of a manufactured home in a park.

Mr. Betts advised the Board that the surveyors were working at the site and that a survey should be available in the near future.

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

Case No. 5674 (cont'd)--Malone's Bayside Marina - north side of Route 22, one mile east of Route 22C, Lot 10 Harbor, within Malone's Bayside Marina.
A variance from the minimum square footage of a manufactured home in a park.

Mr. Betts advised the Board that the surveyors were working at

the site and that a survey would be available in the near future.

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

Case No. 5732 (cont'd) North Bay Marina - north side of Route 54,
1/4 mile east of Route 381.

A variance from the front yard setback requirement and the height requirement for a sales display.

The case, continued from the July 24, 1995, meeting, was presented by Mr. Betts. Mary and Scott McCurdy were sworn in. Melanie Buchanan, attorney, stated that the McCurdy's were present to explain their proposal for display of their boats. Mr. McCurdy stated that a fifteen (15) foot setback is requested for the boat display requiring a ten (10) foot variance from the twenty-five (25) foot setback requirement for boats over five (5) feet in height.

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

Case No. 5734 (cont'd) Joseph and Shirley M. West - south side of
Route 335, 1,433 feet east of Route 335-A.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

The Board discussed the special use exception tabled at the July 24, 1995, meeting.

Mr. Betts advised the Board that another application is being processed in the subdivision.

Motion by Mr. Wheatley, seconded by Mr. Mills, and carried unanimously that the case be tabled.

Case No. 5735 (cont'd) Dean and Kimberly Elliott - north side of
Route 451, 723 feet west of Route 463.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

The Board discussed the special use exception tabled at the July 24, 1995, meeting.

Motion by Mr. Mills, seconded by Mrs. Hudson, and carried unanimously that the special use exception be granted since the use is in character with other units in the area and since the use should not create a negative impact on the area.

Case No. 5276--Anna C. and Wallace H. Powell - east side of Route
331B, 250 feet north of Route 331A, Lots
1, 2, 3, 4 and 5, within Possum Point.

A special use exception to place a second manufactured home to be connected to the existing manufactured home to be used as one single family unit.

Mr. Betts advised the Board that the Powell's are requesting a one year time extension to complete the improvements necessary to connect the two (2) manufactured homes.

Motion by Mr. Wheatley, seconded by Mrs. Hudson, and carried unanimously to grant a one year time extension.

Case No. 5383--James F. Cook, Jr. - southeast side of Route 36, 800 feet north of Route 620.

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

Mr. Betts advised the Board that Mr. Cook has requested a one year time extension to place the manufactured home.

Motion by Mrs. Hudson, seconded by Mr. Wheatley, and carried unanimously to grant a one year time extension.

Meeting adjourned at 9:16 P. M.