

Minutes of August 16, 1993

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, August 16, 1993 in the County Council Chambers, Room 115, Courthouse, Georgetown, Delaware.

The meeting was called to order at 6:56 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. Callaway, seconded by Mr. Mills and carried unanimously that the minutes of August 2, 1993 be approved as circulated.

Case No. 5153--Jean W. Murray - Southwest side of Route 462, 5,175 feet northwest of Route 72.

A special use exception to retain a second manufactured home to be used as a shed.

The case was presented by Mr. Betts. Jean Murray was sworn in and testified, requesting to retain a 12'x 65' (2nd.) manufactured home on her property to be used as a storage shed. Ms. Murray stated that the manufactured home will be used to store lawn equipment and personal things. She stated that the manufactured home has been demolished inside and would be placed up against the woods. She stated that there will be no water in the manufactured home and no one will live in it.

Mr. Betts stated that a manufactured home was placed on the property and the existing unit was never removed.

There were no parties present in opposition.

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

Case No. 5154--William Klingenberg - North side of Route 18, $\frac{1}{4}$ mile west of Route One, Lot 18B, within Holiday Mobile Home Park.

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

The case was presented by Mr. Betts. William Klingenberg was sworn in and testified, requesting a 9' variance from the side yard setback requirement and a 16'4" variance from the 20' setback requirement between units in a manufactured home park, being Lot 18B, Holiday Mobile Home Park. The applicant proposes to replace a 8'x 40' manufactured home with a larger unit. He proposes to place the new unit where the old one exists. The old unit is now 1' from the property line. Mr. Klingenberg stated that the park is only a 6 month park and he is there only on weekends.

Mr. Betts read a letter voicing no objections from James H. Bettis of Holiday Mobile Home 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. 5155--Howard O. Coffin - West side of Route 350, 1,000 feet from the end of Road 350.

A special use exception to retain a manufactured home to be used as a shed.

The case was presented by Mr. Betts. Howard Coffin was sworn in and testified, requesting to retain a manufactured home to be used as a storage shed to house lawn mowers, motorcycles and equipment. There is no water or electric in the unit according to Mr. Coffin. Mr. Coffin stated that the unit has been on the property since 1985 and feels someone must have reported him.

Tracey Pettinaro, owner of Bethany Bay, a housing development in the area, was sworn in and testified in opposition stating that Mr. Coffin already has other storage sheds on the property and she feels he does not need to use the manufactured home for storage. She stated that the manufactured home can be seen from the development. She would not be as opposed if shrubbery or something concealing the unit was placed on the property. She would have no problem with attractive fencing.

Mr. Coffin stated that the other sheds on his property are used to store paint and ladders, since he is a painter.

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. Callaway and seconded by Mr. Wheatley that the special use exception be granted with the stipulations, that the manufactured home be lowered as much as possible (lower than it is now), placed on blocks and a 7' fence be provided, with Mr. Mills voting nay. Motion carried with four voting in favor and one voting against.

Case Nô. 5156--Deborah I. Long - South side of Route 422A, 650 feet northwest of Route 62.

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. Deborah Long was sworn in and testified and was represented by Bill Wilgus, Attorney. Ms. Long requested to place a 14'x 70' manufactured home on her property for her residence. It was stated that there are other manufactured homes in the area. A plot was shown and presented, showing where other manufactured homes are located. She feels her manufactured home

will not devalue neighbors property.

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. 5157--Derrick Hall - Southwest side of Route 369, 750 feet southeast of Route 54.

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. Elmer F. Hall was sworn in and testified in behalf of his son, Derrick Hall. Mr. Hall testified that his son requests to place a manufactured home on his property for his residence. He stated his son is disabled. Mr. Hall stated that he will have his sons name put on the deed to the property if approved. The manufactured home has not been purchased yet, but they propose to put a used single-wide unit on the property.

There were no parties present in opposition.

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

Case No. 5158--Rodney Edward & Carol Ann Wilson - West side of Route 249, 839 feet north of Route 253.

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. Rodney Edward & Carol Ann Wilson were sworn in and testified, requesting to place a 12'x 60' (early 70's) manufactured home on their property for their residence. Relatives own property adjacent to and across the road from the applicants property.

There were no parties present in opposition.

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

Case No. 5159--Jack Verica T/A Lighting Realty, Inc. - North side of Route One, at the intersection of Route 265.

A variance from the requirements for signs.

The case was presented by Mr. Betts. Lynn Rogers was sworn in and testified, representing the applicant, who requests a 19' variance from the 100' setback requirement from a dwelling for a sign. Mr. Rogers stated that in 1990 he was before the Board for the same request for the applicants. He stated that the applicant could not complete the sign because of the State and the application expired. They are

now ready to proceed. The sign will be lighted. An existing sign will be removed.

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. 5160--Steven Prestipino - South side of Route 277, one mile east of Route 24, Lot 25, Sec. 5, within Angola By The Bay.

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

The case was presented by Mr. Betts. Steven & Lisa Prestipino were sworn in and testified, requesting a 3.9' side yard variance and a 6' rear yard variance to place a deck above a screened porch on their property being Lot 25, Angola By The Bay. Their property backs up to common area. The addition will not take up anymore land area, because they will build straight-up over the deck. They were previously before the Board for a variance.

Mr. Betts read a letter of opposition from John H. Dowl, Les Krick and John Moulder of the Angola By The Bay Building Control Committee.

Mr. Prestipino stated that he had a note from Les Krick written after the letter previously read, stating reasons they oppose the variance. Mr. Prestipino stated they oppose most variances.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, 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. After some discussion, motion was made by Mr. Wheatley, seconded by Mr. Mills and carried unanimously that the variances be granted.

Case No. 5161--Stephen R. Chike - South side of Garden Lane, 1,558 feet west of U. S. Route 13, Lot 35, within Green Acres.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Stephen M. Sellers was sworn in and testified, representing the applicant who requested a .31' variance from the 10' side yard setback requirement for a dwelling. Mr. Sellers testified that the property was staked out for a manufactured home to be placed on the property. The mason put the footers in and the foundation/manufactured home was placed. It was placed too close to the side property line. The unit was placed approximately six months ago.

Mr. Betts stated that the unit was placed on the property before a placement permit was obtained.

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. 5162--Sam & Ilene Hearn - North side of Route 20, 200 feet east of Route 473.

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. Sam & Ilene Hearn were sworn in and testified, requesting to place a 28'x70' manufactured home on property they are under sales contract to purchase for their residence. They testified there are other manufactured homes in the area. A letter from Bonnie Willey, owner of the property was presented in favor of the request.

Mr. Betts read the letter presented from Bonnie Willey, voicing no opposition.

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. 5163--John & Phyllis Bare - South side of Route 406, 1,000 feet southwest of Route 405.

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

The case was presented by Mr. Betts. John & Phyllis Bare were sworn in and testified, requesting to retain a manufactured home on their property on basis of hardship. They testified that the hardship still exists with no changes.

The Chairman reminded the applicants that a hardship has to be renewed every two years and the manufactured home removed when the hardship ceases.

Mr. Betts stated that a letter had been received from the Veterans Administration updating the hardship.

There were no parties present in opposition.

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

Case No. 5164--Gary G. Mason South side of Route 277, $\frac{1}{4}$ mile east of Route 24, Lot E-25, within Angola By The Bay.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Gary & Kathy Mason were sworn in and testified, requesting a 3½' variance from the 5' side yard setback to put a shed on their property, being Lot E-25, Angola By The Bay. The applicants stated that they cannot put the shed in the rear yard due to high tides in the rear of the property where the Common Marina is located. The rear yard is too wet. They also get run-off from a neighbors yard due to their property being higher.

Mr. Betts read a letter from neighbor, Nelson Richmond voicing no objections.

Ron Collins who owns adjacent property, was sworn in and testified in opposition to the variance. He testified he is trying to sell his property and does not want any changes in his area to interfere with the sale.

Mr. Mason showed pictures and site plan of the property to Mr. Collins. He explained that the shed will not interfere with the sale of Mr. Collins property. He asked Mr. Collins to visit his property and see where the shed is going.

Motion was made by Mrs. Hudson, seconded by Mr. Wheatley and carried unanimously that the case be tabled until the next regular meeting on September 13, 1993 to give Mr. Collins time to visit the site.

OLD BUSINESS

Case No. 5133 (cont'd.)--Clyde W. Schafer - South side of Route 54, one mile 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. He stated that after visiting the site he found that variances for Mr. Schafer's garage are needed. The garage is to be 26'x 24'.

After some discussion, motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be tabled until the next regular meeting on September 13, 1993.

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

Meeting adjourned at 8:16 P. M.