

Minutes of August 19, 1996

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, August 19, 1996 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. Callaway, Mr. Mills, Mrs. Hudson, Mr. Wheatley, Mr. Jones-Attorney, Mr. Betts-Zoning Inspector III and Mrs. Talley-Planning & Zoning Secretary.

Mr. McCabe read a statement explaining how the Board of Adjustment meetings are conducted.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the minutes of August 5, 1996 be approved as circulated.

Case No. 6077--Leonard & Barbara Griffin - West side of Route 28, on the west corner of Route 474.

A special use exception to place a manufactured home to be used as a storage building.

The case was presented by Mr. Betts. Leonard Griffin was sworn in and testified, requesting to keep a manufactured home on his property for storage. The 14'x 60' manufactured home was placed on the property 5 or 6 months ago without approval. Mr. Griffin stated that he is remodeling his house and needs the manufactured home for storage for his personal things, lawn mower and tools until the house is finished. The unit has a kitchen in it, but is not hooked up to utilities. He needs his garage for his automobile, therefore he wants to use the manufactured home for storage. He stated that there is a manufactured home across the street from his property that is used for living purposes.

Mr. McCabe asked if approved, would a five year time period be enough time for him.

Mr. Griffin stated that five years should be sufficient time, but if he needs more time he would come back to the Board.

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 for a period of five (5) years.

Case No. 6078--Gerald & Esther Lupton - South side of Route 54, one mile west of Route One, Lot 46, within Cape Windsor.

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

The case was presented by Mr. Betts. Gerald Lupton was sworn in and testified, requesting a 10' variance from the 10' side yard setback requirement and a 5' variance from the 20' rear yard setback requirement on Lot 46, within Cape Windsor, to place a double-wide manufactured home. He testified that he went to the Cape Windsor Association and they have no problems with the variance request. The unit will be at least 30' from the neighbors unit.

Mr. Betts read a letter from the Cape Windsor Association, Jack Weston, President, voicing no objections.

There were no parties present in opposition.

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

Case No. 6079--Jerome & Shirlanda Cannon - East side of Route 516,
892 feet north of Route 46.

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. Jerome & Shirlanda Cannon were sworn in and testified, requesting to place a 1995, 28'x 80' double-wide manufactured home on their property for their use. They testified that the manufactured home will be on a permanent foundation. It was also stated that there are two other manufactured homes in the area.

Horace L. Showell, who lives in a manufactured home on adjacent property, was sworn in and testified in behalf of the application. He stated that he has no objections to the manufactured home being placed on the applicants property.

There were no parties present in opposition.

Motion was made by Mr. Callaway, seconded by Mr. Mills and carried unanimously that the special use exception be granted for a 1995, 28'x 80' double-wide manufactured home on a permanent foundation.

Case No. 6080--Ronald Masi - East side of Route 365, 50 feet north
of Route 367A.

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

The case was presented by Mr. Betts. Ronald Masi was sworn in and testified, requesting an 8' variance from the side yard setback requirement and a 16' variance from the front yard setback requirement, to build an 8' wide open deck around his house. He stated that the deck will be horseshoe style around a 44'x 24' house. He testified that there is 64 acres of woods that is for sale adjacent to his property.

There were no parties present in opposition.

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

Case No. 6081--Elizabeth Davis - North side of Route 262, 2,450 feet west of Route 290.

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

The case was presented by Mr. Betts. Elizabeth Davis and Janet Marie Davis were sworn in and testified, requesting to place a manufactured home on Mrs. Davis property on basis of hardship. Elizabeth Davis and her daughter live on the property in a dwelling, she is requesting to place a single-wide manufactured home on her property for her daughter, Janet Davis to live in and be near her, due to her medical situation. The unit will be 12'x 60' in size.

Mr. Betts read a letter from a doctor pertaining to the health of Mrs. Davis.

Douglas J. Davis was sworn in and testified in behalf of the requested manufactured home. He feels it will be an advantage to have his sister nearby his mother.

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 on the basis of hardship for a period of two (2) years.

Case No. 6082--Joseph L.Black - North side of Route 9, at the intersection of Route 321.

A variance from the minimum lot width requirement.

The case was presented by Mr. Betts. Joseph L. Black was

sworn in and testified, requesting a variance from the minimum lot width requirement to subdivide his property into two parcels. He requested an 8' variance from the 150' lot width requirement for Lot 1 and a 100' variance from the 150' lot width requirement on Parcel A, located on Route 9. Mr. Black stated that he proposes to sell the property. Mr. Black stated that he has had the property for sale for two years. He has prospective buyers for the property, but one wants farmland and the other a parcel with the existing house on it. The building lot with the house will have a 142' frontage, and needs the 8' variance. The other parcel will have a 50' frontage and needs the 100' variance. The amount of frontage the property now has is limited and a variance is needed.

There were no parties present in opposition.

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

Case No. 6083--Frank N. Baker, Jr. - South side of Route 16A, at the corner of Bayshore and Jackson Streets.

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

The case was presented by Mr. Betts. Frank Baker, Jr. was sworn in and testified, requesting a 10' variance from the 30' front yard setback requirement, a 10.2' variance from the 15' side yard setback requirement on the north side of Jackson Ave. a 9.5' variance from the 10' side yard setback on the south side and a 6.7' variance from the 10' rear yard setback requirement for an existing house. The lot size is 50' x 100'. Mr. Baker stated that the house has been built since 1978 and at that time he stated that his neighbor said he had no objection to building closer to the property line, so he did. There is a house and a road on either side of the property. He also has a flower bed and garden that protrudes out into the setback.

Mr. Betts stated that a final inspection was never done on the dwelling until now.

Nicole Persia was sworn in and presented a letter from her sister who owns property adjacent to Mr. Baker.

Mr. Betts read the letter from Linda Mongillo, stating she has no objection providing she can build a deck at a later time and wanted Mr. Baker to state in writing he would have no objections. If Mr. Baker could not do this she would be in opposition.

It was explained to Ms. Persia that Mr. Baker could not give her sister permission to build a deck at a later time. She would have to abide by the setbacks required by the County or apply to the Board for a variance.

Mr. Baker stated that he would have no problem with Ms. Mongillo building a deck.

William Steele was sworn in and testified that he is concerned about the flower bed and garden infringing on Jackson Ave. He fears trash trucks and emergency vehicles may have a problem going on the street. He is not opposed to the variance request.

Mr. Jones, Attorney, advised Mr. Baker to move the garden back although it does not have any bearing on the variance requests.

There were no parties present in opposition.

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

Case No. 6084--Edna Denise Michelle Workman - North side of Route 32, at the intersection of Route 590.

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. Edna Denise Michelle Workman and Edna Tucker were sworn in and testified, requesting to place a 1972, 12'x 70' manufactured home on property for Ms. Workman's use. They testified that there is one other manufactured home on an adjacent lot, but there are others down the road on Route 590.

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. 6085--Maryland & Delaware Railroad - South side of Route 18, 250 feet west of Route 30.

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

The case was presented by Mr. Betts.

There were no parties present to represent this case. The Chairman left the hearing open until the end of the meeting.

At the conclusion of the public hearings the Chairman referred back to this case. There were no parties present to represent the case and there were no interested parties present.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the variances be denied, due to lack of representation, and the applicants cannot reapply for one (1) year for failure to appear.

Case No. 6086--Ronald A. Ciafre - Northeast side of Poplar Drive, 200 feet northwest of Woodland Circle, within Angola By The Bay, south of Road 277.

A variance from the rear yard setback requirement.

The case was presented by Mr. Betts. Ronald A. Ciafre was sworn in and testified, requesting a 2' variance from the rear yard setback of 20' for an existing porch. Mr. Ciafre stated that the house was built 15 years ago with a porch on the rear of it. He purchased the house with the encroachment and was not aware of it until he sold the house. He stated that the Angola By The Bay Association is aware of the variance request.

Thomas S. Hyle was sworn in and testified that he wants to buy the house and is in favor of the request.

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. 6087--Richard E. Tucker - South side of Route 54, 1/2 mile east of Route 390A.

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

The case was presented by Mr. Betts. Richard Tucker was sworn in and testified, requesting a 10' variance from the side yard setback requirement and a 15' variance from the rear yard setback for storage warehouse. Mr. Tucker stated that it backs up to a golf driving range that he owns.

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.

Case No. 6088--Michelle & Warren Reid - Southeast side of Route 475, at the intersection of Route 474.

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. Michelle & Warren Reid were sworn in and testified requesting to place a manufactured home on property they are purchasing for their use. They stated that it would be a temporary use until they build a home. It was stated that they will build as soon as they save some money which could take approximately two years or longer. They testified that there are two other manufactured homes in the area.

Mr. Betts read a letter from Dale Dukes a property owner in the area, voicing no objections.

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. 6089--Emory & Otisia Howell - West side of Route 636, 175 feet southwest of Route 627.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Emory Howell was sworn in and testified, requesting a 4' variance from the 10' side yard setback requirement for a manufactured home that has been placed on the property on a permanent foundation. The applicant stated that the property was surveyed by Murphy Surveyors and had flags on the property. He took the flags to be the property markers for the property lines, but found out they were points, after the manufactured home had been placed on the property.

There were no parties present in opposition.

Motion was made by Mr. Callaway, 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. After some discussion, motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that the case be tabled until the next meeting.

Case No. 6090--Michael L. & Jacqueline M. Hollingsworth - West side of Route 214, 960 feet north of Route 224.

A variance from the rear yard setback requirement.

The case was presented by Mr. Betts. Michael Hollingsworth was sworn in and testified, requesting a 11.1' variance from the 20' rear yard setback requirement for an addition. The applicant stated that the proposed location for the addition is the only place he can put it on the property because his lot is small. He stated that there is a Pine Tree Nursery to the rear of his property. He stated that he has no opposition from his neighbor.

There were no parties present in opposition.

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

Case No. 6091--Harold K. & Collen Lester - West side of Route 632, 1,050 feet north of Route 611.

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. Harrison Todd was sworn in and testified representing the applicants who requested to place a manufactured home on property they are purchasing for their use. Mr. Todd stated that the request is for his step-son and the property will be put in his step-son's name. The 14'x 70' manufactured home is already on the property as an on-farm unit. The applicants are purchasing the property with the manufactured home on it and Board approval is needed since it will no longer be on-farm.

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.

OLD BUSINESS

Case No. 6070 (cont'd.)--Gary E. Black - West side of Route 13, 820 feet south of Route 583.

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 reviewed by Mr. Betts.

Mr. Wheatley stated that there are no single-wide manufactured homes on Route 13 in that area, but there are nice homes in the area.

After some discussion, motion was made by Mr. Wheatley and seconded by Mr. Callaway that the special use exception be denied, with Mr. Mills voting nay. Motion carried with four voting in favor of denial and one against denial. It was the findings of the Board that the use would substantially affect adversely the neighboring properties.

OTHER BUSINESS

Case No. 5894--Dennis Moore - Request for rehearing.

Mr. Betts read a letter from an Attorney representing Mr. Moore, requesting a rehearing for Case No. 5894 that was denied at the original public hearing on October 26, 1996, due to lack of representation. The letter stated the applicant did not intentionally not appear, an error was made.

Motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously to rehear Case No. 5894.

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

Meeting adjourned at 8:04 P. M.