

## MINUTES OF AUGUST 19, 2002

The regular meeting of the Sussex County Board of Adjustment was held Monday evening August 19, 2002, at 7:00 p.m. in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 p.m. with Vice-Chairman McCabe presiding. The Board members present were: Mr. McCabe, Mr. Mills and Mr. Hudson, with Mr. Schrader – Assistant County Attorney, Mr. Oates – Zoning Inspector II, and Mrs. Norwood – Recording Secretary.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Revised Agenda with the correction that Case No. 7061, Jane Errett Vincenti and Martin Kappel be added under other business to the September 9, 2002 agenda. Vote carried 3 – 0.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of August 5, 2002. Vote carried 3 – 0.

Mr. Schrader read a statement explaining how the Board of Adjustment meeting is conducted and the procedures for hearing the cases.

Mr. McCabe asked those present for a moment of silence in memory of Mr. L. William Wheatley.

**Case No. 7897 – Faye O. and Ralph N. Joseph, Jr.** – west of Raod 68, 252 feet south of Road 451.

A variance from the side yard setback requirement for a poultry manure shed.

Mr. Oates presented the case. Ralph N. Joseph, Jr. was sworn in and testified requesting a 50-foot variance from the required 50-foot side yard setback requirement for a proposed manure shed; that the purpose for placing the manure shed on the property line is to not disturb the tillable land; and that his in-laws own the adjoining property.

The Board found that no parties appeared in support of or in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be **granted**. Vote carried 3 – 0.

**Case No. 7898 – Howard Kirsch** – south of Road 88, corner of Jays Way and Ole Grist Run, Lot 94, within Overbrook Shores.

A variance from the east side yard setback requirement.

Mr. Oates presented the case. John Stewart and Howard Kirsch were sworn in with Bill Schab, Attorney, on behalf of the application, requesting a 1-foot variance from the required 15-foot east sideway setback requirement for an existing dwelling; that a survey was done for settlement and showed the violation; and that the builder measured from the wrong radius.

The Board found that no parties appeared in support of or in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be **granted**. Vote carried 3 – 0.

**Case No. 7899 – Alan and Michelle Todd** – west of Route 22, west of Woodcrest Road, Lot 41, within Pot Nets Bayside Mobile Home Park.

A variance from the maximum allowable lot coverage.

Mr. Oates presented the case. Rita Baker was sworn in and testified requesting a 160-square foot variance from the required 35% maximum allowable lot coverage for a proposed 14'x20' addition; that the mobile home has been on the lot for 5 years; and that several variances have been granted in the park.

The Board found that no parties appeared in support of or in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the case be **tabled until September 9, 2002**. Vote carried 3 – 0.

**Case No. 7901 – Steven G. and Deborah A. Dignan** – southeast of Road 266, Arkansas Court, Lot 55, within Sand Dunes Village Subdivision.

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

Mr. Oates presented the case. Steve and Deborah Dignan were sworn in with Bill Schab, Attorney, on behalf of the application, requesting a 0.9-foot variance from the required 5-foot rear yard setback requirement for an existing shed, a 8.7-foot variance from the required 10-foot side yard setback requirement for an existing garage, and a 0.5-foot variance from the required 30-foot front yard setback requirement for an existing dwelling; that all of the buildings have existed on the lot for 22 years; that when a survey was done prior to settlement the violation was discovered; that an existing lean-to on the garage that was over the property line was removed; and that the shed is placed on a concrete slab.

The Board found that no parties appeared in support of or in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variances be **granted**. Vote carried 3 – 0.

**Case No. 7902 – Ernest D. and Connie L. Hyett** – intersection of Route 9 and Route 5, north of Penn Central.

A variance from the east side yard setback requirement.

Mr. Oates presented the case. Ernest Hyett was sworn in with Bill Schab, Attorney, on behalf of the application, requesting a 10.8-foot variance from the required 20-foot east side yard setback requirement for an existing building; that the building has been used for a business for over 20 years; that the violation was discovered at settlement; and that the previous owners were unaware of the violation.

The Board found that no parties appeared in support of or in opposition to the application.

Motion by Mr. Hudson, seconded by Mr. Mills, and carried unanimously that the variance be **granted**. Vote carried 3 – 0.

**Case No. 7903 – Esther Reynolds** – west of Route 30, 1,057 feet west of Road 248-A

A variance from the minimum lot width requirement.

Mr. Oates presented the case. Esther Reynolds was sworn in and testified requesting an 11.2-foot variance from the required 150-foot lot width requirement; that she would like to create a new parcel to build a new home for herself; that the existing dwelling will remain and her daughter will live there; and that she submitted pictures.

The Board found that no parties appeared in support of or in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be **granted with the stipulation that a driveway is to be shared**.  
Vote carried 3 – 0.

**Case No. 7904 – Epworth Fellowship Church** – north of Road 476, 572.36 feet west of Road 446.

A special use exception to place a manufactured home type structure for classrooms.

Mr. Oates presented the case. Robin T. James was sworn in and testified requesting a special use exception for a manufactured home type structure to be used as classrooms; that the student body has increased by 170 students and that they will have over 400 students on campus; that they will add 4 identical units and will remove 2 of the existing units that they are currently approved for; and that a permanent building is proposed to replace all units.

The Board found that no parties appeared in support of or in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the special use exception be **granted**. Vote carried 3 – 0.

**Case No. 7905 – John and Sandra Chicano** – south of Route 54, east of Maple Lane, Lot 3, within Keenwick Subdivision.

A variance from the east and west side yard setback requirements.

Mr. Oates presented the case. John Chicano was sworn in and testified requesting a 5-foot variance from the required 10-foot east side and west side yard setback requirements for a proposed 40'x60' dwelling; that he needs the variance so his dwelling will fit on the lot without adding a third story; and that he is unaware of an association for the development.

Mr. Oates read a letter from Carmen and Helen Paolino in favor of the application.

Mr. Oates read a letter from George Elias in opposition to the application.

The Board found that no parties appeared in support of or in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variances be **granted**. Vote carried 3 – 0.

**Case No. 7906 – Eugene and Connie Schaffner** – west of Road 277, north of Boat Dock Ct East, Lot 14, within Angola By The Bay Subdivision.

A variance from the rear yard setback requirement.

Mr. Oates presented the case. Eugene Schaffner was sworn in and testified requesting a 5-foot variance from the required 20-foot rear yard setback requirement for a proposed 9'x13' addition; that the proposed addition will be a computer room; and that directly behind the property is the development's common area.

The Board found that no parties appeared in support of or in opposition to the application.

Motion by Mr. Hudson, seconded by Mr. Mills, and carried unanimously that the variance be **granted**. Vote carried 3 – 0.

**Case No. 7907 – Daniel and Tiffany Wright** – south of Route 18, 360 feet west of Road 532.

A special use exception to place a manufactured home on less than  $\frac{3}{4}$  acre.

Mr. Oates presented the case. Daniel and Tiffany Wright were sworn in and testified requesting a special use exception to place a 27'x56' manufactured home on a lot that is less than  $\frac{3}{4}$  acre; that the manufactured home will be on a block foundation; that her father bought the parcel in 1964; and that they submitted pictures.

By a show of hands, 1 party appeared in favor of the application.

The Board found that no parties appeared in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the case be **tabled until September 9, 2002**. Vote carried 3 – 0.

**Case No. 7908 – Albert and Elaine Seagraves** – north of Salt Forest Lane, Lot 12, within Breezewood Subdivision.

A variance from the east and west side yard setback requirements.

Mr. Oates presented the case. Albert Seagraves was sworn in and testified requesting a 1.6-foot variance from the required 10-foot west side yard setback, and a 3-foot variance from the required 10-foot east side yard setback requirement for an existing dwelling; that the dwelling has been on the lot for 22 years; and that the survey showed the violation.

Mr. Oates read a letter from Donald and Maxine Willard in favor of the application.

The Board found that no parties appeared in support of or in opposition to the application.

Motion by Mr. Hudson, seconded by Mr. Mills, and carried unanimously that the variances be **granted**. Vote carried 3 – 0.

**Case No. 7909 – Dennis and Candice Clayton** – north of Road 46, 4,400 feet west of Road 517-A.

A special use exception to place a manufactured home more than five (5) years old.

Mr. Oates presented the case. Dennis and Candice Clayton were sworn in and testified requesting a special use exception to place a 1994, 24'x44' manufactured home on a parcel; that they currently live in a dwelling on the parcel; that they will subdivide a lot out for the manufactured home; and that they submitted pictures.

Connie Jerman was sworn in and testified that she is in opposition to the application; that she is concerned about her property value; that she wanted to see the picture of the unit; and that once she saw the picture she no longer had any objections.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the special use exception be **granted**. Vote carried 3 – 0.

**Case No. 7910 – Robert B. Atallian** – south of Route 9, 615 feet west of Road 282.

A special use exception to operate a commercial greenhouse on less than five (5) years old.

Mr. Oates presented the case. Robert B. Atallian was sworn in and testified requesting a special use exception to operate a commercial greenhouse on less than five (5) acres; that he operates an Antique sales business now and would like to use the greenhouse for sales of landscape type antiques; and that the greenhouse will be approximately 20'x30' and will meet the required setbacks.

The Board found that no parties appeared in support of or in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the special use exception be **granted**. Vote carried 3 – 0.

**Case No. 7911 – Charles and Virginia Parson** – Road 277, west of Gosling Drive, Lot 66, within Gosling Creek Subdivision.

A variance from the west side yard setback requirement.

Mr. Oates presented the case. Charles and Virginia Parson were sworn in and testified requesting a 10-foot variance from the required 15-foot west side yard setback requirement for a proposed 12'x16' addition; that due to health problems they would like to create more space on the first floor level; that the Association approves the proposed addition; and that due to the location of the septic system they cannot build the addition on the rear of the dwelling.

Mr. Oates read a letter from the Association and Jerry and Byrnina Reynolds in favor of the application.

The Board found that no parties appeared in opposition to the application.

Motion by Mr. Hudson, seconded by Mr. Mills, and carried unanimously that the variance be **granted**. Vote carried 3 – 0.

### **OLD BUSINESS**

**Case No. 7871 – Edward and Dorothy Quinn** – east of Road 270-A, north side of Beaver Dam Reach, Lot 15, within The Woods At Seaside Subdivision, Phase I.

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

The Board discussed the case.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variances be **denied**. Vote carried 3 – 0.

**Case No. 7883 – Michael and Margaret Dinenna** – east of East Stoney Run, Lot 67, within Keenwick Sound Subdivision.

A variance from the rear yard setback requirement.

The Board discussed the case.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be **granted**. Vote carried 3 – 0.

**Case No. 7884 – John M. Carney** – west of Road 274, west side of Penhurst Court, Lot 43, within Villages of Old Landing Subdivision.

A variance from the north side yard setback requirement.

The Board discussed the case.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be **granted**. Vote carried 3 – 0.

**Case No. 7888 – Kent Schoch** – north side of First Street, Units 31 and 32, within Bay Vista Subdivision.

A variance from the front yard setback requirement.

The Board discussed the case.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be **granted**. Vote carried 3 – 0.

**Case No. 7894 – Dale J. Gray, Jr.** – west of Road 432, 2,200 feet south of road 322, Lot 2.

A variance from the minimum lot width requirement.

The Board discussed the case.

Motion by Mr. Hudson, seconded by Mr. Mills, and carried unanimously that the variance be **granted**. Vote carried 3 – 0.

**Meeting Adjourned 8:45 p.m.**