

Minutes of August 21, 1995

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, August 21, 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. Callaway, Mr. Jones-Attorney, Mr. Betts-Zoning Inspector III, and Mrs. Watkinson-Clerk.

Motion was made by Mrs. Hudson, seconded by Mr. Mills, and carried unanimously that the minutes of August 7, 1995, be approved as circulated.

Case No. 5756--Marvin F. Jones - south side of East Sixth Street,
60 feet northwest of Route 462.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Marvin F. Jones was sworn in and testified that he is the owner of two (2) adjoining lots; that he proposes to move a garage from his residence on lot 75 to his rental lot 76; that he will remove the existing small shed on lot 76 and replace it with the garage.

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 due to the odd lot size.

Case No. 5757--Dexter Shoe - north side of Route One, at the inter-
section of Route 271.

A variance from the requirements for signs.

The case was presented by Mr. Betts. Rick Phillips of Phillips Sign Co., was sworn in and testified that the back of Dexter Shoe Store in the Ocean Outlets faces the road; that they propose an illuminated sign with letters 18" to 24"; that a sign already exists on front of building.

There were no parties in opposition.

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

Case No. 5758--George P. and Marie C. Reckeweg - southwest side of
Route 313, 1,100 feet southeast of Route
24, Lots 7, 9, and 10, within Warwick Acres.

A special use exception to replace a manufactured home in an MR Medium Density Residential District.

The case was presented by Mr. Betts. George P. & Marie C. Reckeweg were sworn in and testified that they propose to replace

a single wide manufactured home with a doublewide manufactured home; that the exact size has not been determined but will be approximately 1800 sq. ft.; that there are manufactured homes on each side of their lot.

Mr. Betts presented a letter in favor of the request signed by seven (7) families.

Mr. Betts presented a letter from Austin and Isabel Okie questioning the specifics of the application.

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. 5759--William and Dorothy Hubler - north side of Route 451,
523 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 case was presented by Mr. Betts. Barbara Smith, selling agent for Laurel Realty and representative for William & Dorothy Hubler, was sworn in and testified that a doublewide manufactured home is proposed; that there are approximately thirty (30) manufactured homes in the area; that there are manufactured home on both sides of the property.

There were no parties present in opposition.

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

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

Motion was made by Mr. Wheatley, seconded by Mr. Mills, and carried unanimously that the special use exception be granted with the stipulation that it be a doublewide manufactured home on a permanent foundation.

Case No. 5760--Linwood D. Hallman, Sr. - east side of Route 213,
at the intersection of Butler Avenue (Route 225B).

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. Linwood David Hallman, Sr. was sworn in and testified that his brother, James C. Hallman, owns five (5) acres of land which he proposes to subdivide into two (2) lots; that he proposes to place a manufactured home on one lot; that there are dwellings on the property adjoining the rear portion of the lot; that the lot in front of the property is vacant; that there are manufactured homes on Rt. 213.

There were no parties in opposition.

Motion was made by Mr. Mills, seconded by Mr. Callaway, and carried unanimously to take the case under advisement.

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

Motion was made by Mr. Callaway, seconded by Mrs. Hudson, and carried unanimously that the special use exception be granted with the stipulation it be a doublewide manufactured home on a permanent foundation.

Case No. 5761--James C. Hallman, Jr. - north side of Butler Avenue,
412 feet east of Route 213.

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

The case was presented by Mr. Betts. James C. Hallman was sworn in and testified that he owns five (5) acres of land which he proposes to subdivide into two (2) 2½ acre lots; that there is an existing 28' x 60' manufactured home on the property; that the manufactured home has been on the lot approximately five (5) years.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Wheatley, and carried unanimously to take this case under advisement.

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

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

Case No. 5762--State of Delaware (DelDOT), BM20R - east side of Route
431, adjacent to Route 113.

A special use exception to expand a nonconforming use.

The case was presented by Mr. Betts. John E. Richter was sworn in and testified that Del DOT has a maintenance facility on Rt. 113, southwest of Georgetown; that DelDOT proposes to add four (4) bays to the end of the existing structure for busing maintenance and a small administrative space; that DelDOT proposes an additional building to be used as a bay or a paint shop; that the proposed use was less than the 25% addition permitted for a nonconforming use.

Mr. Jones, attorney, clarified that it is necessary to the existing use; that there would be no encroachment; that it was less than 50% of the value of the existing structure; that it will not adversely impact the area.

There were no parties present in opposition.

Motion was made by Mr. Mills, 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 was made by Mr. Mills, seconded by Mrs. Hudson, and carried unanimously that the special use exception be granted as meets all requirements for a nonconforming use.

Case No. 5763--Jackie Hammond - southeast side of Route 54, at the intersection of Route 369.

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. Jacqueline Hammond was sworn in and testified that there is a manufactured home approximately $\frac{1}{2}$ mile from this lot; that dwellings are on each side of this lot; that she proposes to place a 28' x 72' manufactured home on this lot.

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 with the stipulation it be a doublewide manufactured home on a permanent foundation so as to be more in character with the surrounding area.

Case No. 5764--Epworth Fellowship Church, Inc. - west side of Route 476, 650 feet south of Route 446.

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

The case was presented by Mr. Betts. Lynn Moore was sworn in and testified that the 24' x 36' manufactured home would be used as a learning center; that additional space is needed due to increased student enrollment; the manufactured home would be placed in front of the gymnasium; requesting placement for at least five (5) years as allowed by code.

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. 5765--Solomon White - south side of Route 335, 1,283 feet east of Route 335A.

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. Solomon White was sworn in and testified that he has purchased the land; the area is vacant with the exception of a dwelling across the road; that there are no manufactured homes in immediate area but a manufactured home is on Rt. 335A.

Joseph West was sworn in and testified that he has purchased the adjacent lot; that there are four (4) chicken houses, a pig farm, and three (3) manufactured homes within $\frac{1}{2}$ mile of property; that he was told by the seller that manufactured homes are permitted.

Shirley West was sworn in and testified that chicken houses, a pig farm, and three (3) or four (4) manufactured homes are within $\frac{1}{4}$ to $\frac{1}{2}$ mile of property; manufactured homes will not adversely impact the area.

Mr. Betts presented a letter from Ira R. Hickman in opposition.

Motion was made by Mr. Mills, seconded by Mrs. Hudson, and carried unanimously that this case be taken under advisement.

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

Motion was made by Mr. Callaway, seconded by Mr. Mills, and carried unanimously that the special use exception be granted with the stipulation it be a doublewide manufactured home on a permanent foundation.

Case No. 5766--Wayne Harmon Paskins - west side of Route 273, one mile south of Route One.

A variance from the side yard setback requirement.

The case was present by Mr. Betts. Wayne H. Paskins was sworn in and testified that she proposes to construct a double car garage; that the garage would be next to her parents' property.

Robert Witsil spoke in support of the application; that is a large lot; that it will not adversely impact the area.

Mr. Betts presented a letter from Dennard F. Quillen, III, in support of the application.

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. 5767--Nancy Harvey - southeast side of California Avenue, 275 feet northeast of Bay Shore Drive, Lot 9, Blk. O, Sec. 1, within North Shores (Brookkill Beach).

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Nancy Harvey was sworn in and testified that she purchased the property in June 1995; that the survey indicated deck encroached setback by 8'; that deck is on second level of dwelling.

Claude Martin was sworn in and testified that he resides in the area; that it will devalue the property if deck is removed.

There were no parties present in opposition.

Motion was made by Mr. Wheatley, seconded by Mr. Callaway, and carried unanimously that the variance be granted, finding it would not adversely impact the area.

Case No. 5768--Robert W. and Deborah J. Ellsworth - north side of Route 74, $\frac{1}{4}$ mile east of Route 442.

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

The case was presented by Mr. Betts. Robert W. Ellsworth was sworn in and testified that his parents have a medical hardship; that he resides in a manufactured home on this lot; that the parcel on the left side is vacant; that there is a log cabin, chicken house, and manufactured home on the right side; that there are several manufactured homes in the area.

Mr. Betts presented a letter from Dr. Phyllis Phillips Janes referencing the need for care.

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

Case No. 5769--Robin Dennis - east side of Route 583, 484 feet east of Penn Central Railroad, 0.3 mile from Route 13.

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. Robin G. Dennis & Raymond Dennis were sworn in and testified that they propose to place a 28' x 58' manufactured home on a 150' x 150' lot; that there is a manufactured home on an adjoining parcel; that there are dwellings on the other adjoining parcels; that there is a development, Forrest Green, within $\frac{1}{4}$ mile that consists of manufactured homes and dwellings.

Robert Witsil represented Mrs. Iva Clendaniel. Mrs. Iva Clendaniel was sworn in and testified that she has lived in the area since 1948; that the proposed placement is directly across from her house; that she believes parcel is too small for manufactured home; that two (2) manufactured homes would adversely impact the area.

Mr. Betts presented two (2) unsigned notes in opposition.

Motion was made by Mr. Mills, seconded by Mrs. Hudson, and carried unanimously that this case be taken under advisement.

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

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

Case No. 5770--Arnold Vincent Hall - east side of Route 585, 450 feet north of Route 587A, Lot 3, within Heather Glen.
A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

The applicant did not appear to represent his application.

Thirteen parties were present in opposition.

Motion was made by Mr. Mills, seconded by Mr. Callaway, and carried unanimously to deny the application due to the lack of a record in support.

OLD BUSINESS

Cast 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 was 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 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 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. 5734--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.

Motion was made by Mr. Mills, seconded by Mrs. Hudson, that the special use exception be granted with the stipulation it be a double-wide manufactured home on a permanent foundation. Motion carried with four voting in favor and Mr. Callaway abstaining as he was absent when the case was presented.

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.

Motion was made by Mrs. Hudson, seconded by Mr. Wheatley, that the special use exception be granted with the stipulation it be a double-wide manufactured home on a permanent foundation. Motion carried with four voting in favor and Mr. Callaway abstaining as he was absent when the case was presented.

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.

Motion was made by Mr. Mills, seconded by Mr. Wheatley, that the special use exception be denied, finding that it would be out of character with other structures on Route 273; that it would be less than aesthetically pleasing; that it would adversely impact the area. Motion carried with four voting in favor and Mr. Callaway abstaining as he was absent when the case was presented.

OTHER BUSINESS

Case No. 5740--James B., III & Deborah A. West - east side of Route 257, 850 feet south of Route 88.

A variance from the minimum lot width requirement for two lots.

Mr. Betts presented a request from James B., III and Deborah A. West requesting their case be reheard. They were unable to attend the meeting on July 24, 1995, due to a family emergency.

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

Meeting adjourned at 8:55 P. M.