

Minutes of August 31, 1992

A special meeting of the Sussex County Board of Adjustment was held Monday evening, August 31, 1992 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. Wheatley, Mrs. Hudson, Mr. Mills, Mr. Callaway and Mr. Lank-Director.

Motion was made by Mrs. Hudson, seconded by Mr. Wheatley and carried unanimously that the minutes of August 17, 1992 be approved as circulated.

Case No. 4868 Lloyd Flowers - Northeast side of Route 5 (Route 297), 2,500 feet southeast of Route 24, Lot 44, within Driftwood Village.

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

The case was presented by Mr. Lank. Joe Conaway was sworn in and testified, representing the applicant who requested a 14' variance from the front yard setback requirement and a 6' variance from the side yard setback requirement for an existing manufactured home, located on Lot 44, within Driftwood Village. He testified that a copy of the septic system indicates moving the manufactured home could cause problems.

Mr. Conaway asked that all comments from previous hearings be incorporated into this case.

There were no parties present in opposition.

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

Case No. 4869 Edward Beckett - Northeast side of Route 5 (Route 297), 2,500 feet southeast of Route 24, Lot 45, within Driftwood Village.

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

The case was presented by Mr. Lank. Joe Conaway sworn in on Case No. 4868, also represented this case. The applicant requested a 12' variance from the front yard setback requirement and a 3' variance from the side yard setback requirement for an existing manufactured home, located on Lot 45, within Driftwood Village. Mr. Conaway stated that the septic permit was issued in 1980 and to move the manufactured home could cause problems.

Mr. Conaway asked that all comments from previous hearings be incorporated into this case.

There were no parties present in opposition.

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

Case No. 4870 Charles Laws - Northeast side of Route 5 (Route 297), 2,500 feet southeast of Route 24, Lot 47, within Driftwood Village.

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

The case was presented by Mr. Lank. Joe Conaway sworn in on Case No. 4868, also represented this case. The applicant requested a 12' variance from the front yard setback requirement and a 3' variance from the side yard setback requirement for an existing manufactured home, located on Lot 47, within Driftwood Village. He testified that a copy of the septic system indicates moving the manufactured home could cause problems.

Mr. Conaway asked that all comments from previous hearings be incorporated into this case.

There were no parties present in opposition.

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

Case No. 4871 Jose Borrero - Northeast side of Route 5 (Route 297), 2,500 feet southeast of Route 24, Lot 48, within Driftwood Village.

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

The case was presented by Mr. Lank. Joe Conaway sworn in on Case No. 4868, also represented this case. The applicant requested a 12' variance from the front yard setback requirement and a 2' variance from the side yard setback requirement for an existing manufactured home, located on Lot 48, within Driftwood Village. He testified that a copy of the septic system indicates moving the manufactured home could cause problems. Mr. Conaway stated that this lot is a corner lot and is odd shaped.

Mr. Conaway asked that all comments from previous hearings be incorporated into this case.

There were no parties present in opposition.

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

Case No. 4872 Caroline Chase - Northeast side of Route 5 (Route 297), 2,500 feet southeast of Route 24, Lot 50, within Driftwood Village.

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

The case was presented by Mr. Lank. Joe Conaway sworn in on Case No. 4868, also represented this case. The applicant requested a 10' variance from the front yard setback requirement and a 2.4' variance from the side yard setback requirement for an existing manufactured home, located on Lot 50, within Driftwood Village. He testified that a copy of the septic system indicates moving the manufactured home could cause problems.

Mr. Conaway asked that all comments from previous hearings be incorporated into this case.

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. 4873 William Hall - Northeast side of Route 5 (Route 297), 2,500 feet southeast of Route 24, Lot 51, within Driftwood Village.

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

The case was presented by Mr. Lank. Joe Conaway sworn in on Case No. 4868, also represented this case. The applicant requested a 10' variance from the front yard setback requirement and a 3' variance from the side yard setback requirement for an existing manufactured home, located on Lot 51, within Driftwood Village. He testified that a copy of the septic system indicates moving the manufactured home could cause problems.

Mr. Conaway asked that all comments from previous hearings be incorporated into this case.

There were no parties present in opposition.

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

Case No. 4874 Charles Collins - Northeast side of Route 5 (Route 297), 2,500 feet southeast of Route 24, Lot 52, within Driftwood Village.

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

The case was presented by Mr. Lank. Joe Conaway sworn in on Case No. 4868, also represented this case. The applicant requested a 9' variance from the front yard setback requirement and a 3.5' variance from the side yard setback requirement for an existing manufactured home, located on Lot 52, within Driftwood Village. He testified that a copy of the septic system indicates moving the manufactured home could cause problems.

Mr. Conaway asked that all comments from previous hearings be incorporated into this case.

There were no parties present in opposition.

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

Case No. 4875 Richard Savin - Northeast side of Route 5 (Route 297), 2,500 feet southeast of Route 24, Lot 53, within Driftwood Village.

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

The case was presented by Mr. Lank. Joe Conaway sworn in on Case No. 4868, also represented this case. The applicant requested a 10' variance from the front yard setback requirement and a 3.5' variance from the side yard setback requirement for an existing manufactured home, located on Lot 53, within Driftwood Village. He testified that a copy of the septic system indicates moving the manufactured home could cause problems.

Mr. Conaway asked that all comments from previous hearings be incorporated into this case.

There were no parties present in opposition.

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

Case No. 4876 Frank Keen - Northeast side of Route 5 (297), 2,500 feet southeast of Route 24, Lot 54, within Driftwood Village.

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

The case was presented by Mr. Lank. Joe Conaway sworn in on Case No. 4868, also represented this case. The applicant requested a 11' variance from the front yard setback requirement and a 6.4' variance from the side yard setback requirement for an existing manufactured home, located on Lot 54 within Driftwood Village. He testified that a copy of the septic system indicates moving the manufactured home could cause problems.

Mr. Conaway asked that all comments from previous hearings be incorporated into this case.

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. 4877 Fred Dimeglio - Northeast side of Route 5 (297), 2,500 feet southeast of Route 24, Lot 55, within Driftwood Village.

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

The case was presented by Mr. Lank. Joe Conaway sworn in on Case No. 4868, also represented this case. The applicant requested a 12' variance from the front yard setback requirement and a 10' variance from the side yard setback requirement for an existing manufactured home, located on Lot 55 within Driftwood Village. He testified that a copy of the septic system indicates moving the manufactured home could cause problems.

Mr. Conaway asked that all comments from previous hearings be incorporated into this case.

There were no parties present in opposition.

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

Case No. 4878 Wanda Jones - Northeast side of Route 5 (297),  
2,500 feet southeast of Route 24,  
Lot 56, within Driftwood Village.

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

The case was presented by Mr. Lank. Joe Conaway sworn in on Case No. 4868, also represented this case. The applicant requested a 11' variance from the front yard setback requirement and a 4' variance from the side yard setback requirement for an existing manufactured home, located on Lot 56 within Driftwood Village. He testified that a copy of the septic system indicates moving the manufactured home could cause problems. Mr. Conaway stated that this is a corner lot and odd shaped.

Mr. Conaway asked that all comments from previous hearings be incorporated into this case.

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. 4879 Augustus Cannon - Northeast side of Route 5 (297),  
2,500 feet southeast of Route 24,  
Lot 58, within Driftwood Village.

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

The case was presented by Mr. Lank. Joe Conaway sworn in on Case No. 4868, also represented this case. The applicant requested a 10' variance from the front yard setback requirement and a 1' variance from the side yard setback requirement for an existing manufactured home, located on Lot 58 within Driftwood Village. He testified that a copy of the septic system indicates moving the manufactured home could cause problems.

Mr. Conaway asked that all comments from previous hearings be incorporated into this case.

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. 4880 Daniel Ward - Northeast side of Route 5 (297),  
2,500 feet southeast of Route 24,  
Lot 59, within Driftwood Village.

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

The case was presented by Mr. Lank. Joe Conaway sworn in on  
Case No. 4868, also represented this case. The applicant requested  
a 12' variance from the front yard setback requirement and a 4'  
variance from the side yard setback requirement for an existing  
manufactured home, located on Lot 59 within Driftwood Village. He  
testified that there is no record of a septic system permit, but he  
assumes the situation is the same, that moving the manufactured  
home could cause problems.

Mr. Conaway asked that all comments from previous hearings be  
incorporated into this case.

There were no parties present in opposition.

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

Case No. 4881 Destinations Development - Northeast side of Route  
5 (Route 297), 2,500 feet southeast  
Route 24, Lot 60, within Driftwood  
Village.

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

The case was presented by Mr. Lank. Joe Conaway sworn in on  
Case No. 4868, also represented this case. The applicant requested  
a 11' variance from the front yard setback requirement and a 3'  
variance from the side yard setback requirement for an existing  
manufactured home, located on Lot 60 within Driftwood Village. He  
testified that this is a rental unit and the septic indicates  
to move the manufactured home could cause problems.

Mr. Conaway asked that all comments from previous hearings be  
incorporated into this case.

There were no parties present in opposition.

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

Case No. 4882 Richard Wolfe, Sr. - Northeast side of Route 5 (Route 297), 2,500 feet southeast Route 24, Lot 61, within Driftwood Village.

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

The case was presented by Mr. Lank. Joe Conaway sworn in on Case No. 4868, also represented this case. The applicant requested a 13' variance from the front yard setback requirement and a 3' variance from the side yard setback requirement for an existing manufactured home, located on Lot 61 within Driftwood Village. He testified that there is no copy of the septic system permit, but he assumes the situation is the same, that to move the manufactured home could cause problems.

Mr. Conaway asked that all comments from previous hearings be incorporated into this case.

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. 4883 Keith Shuey - Northeast side of Route 5 (Route 297), 2,500 feet southeast Route 24, Lot 62, within Driftwood Village.

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

The case was presented by Mr. Lank. Joe Conaway sworn in on Case No. 4868, also represented this case. The applicant requested a 12' variance from the front yard setback requirement and a 2' variance from the side yard setback requirement for an existing manufactured home, located on Lot 62 within Driftwood Village. He testified that a copy of the septic system indicates moving the manufactured home would cause problems.

Mr. Conaway asked that all comments from previous hearings be incorporated into this case.

There were no parties present in opposition.

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

Case No. 4884 Harriett DeVincentis - Northeast side of Route 5 (Route 297), 2,500 feet southeast Route 24, Lot 63, within Driftwood Village.

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

The case was presented by Mr. Lank. Joe Conaway sworn in on Case No. 4868, also represented this case. The applicant requested a 11.5' variance from the front yard setback requirement and a 1' variance from the side yard setback requirement for the side yard setback requirement for an existing manufactured home, located on Lot 63, within Driftwood Village. He testified that a copy of the septic system indicates moving the manufactured home could cause problems.

Mr. Conaway asked that all comments from previous hearings be incorporated into this case.

Mr. Conaway also presented letters referencing the applications that have been presented to the Board. He stated that all new manufactured homes will be placed correctly.

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.

#### OLD BUSINESS

Case No. 4849 (cont'd.) - Joseph E. L. & E. Jacqueline Whalen - North side of Route 54, mile east of Route 381, Lot 23, within Swann Keys.

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

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

#### OTHER BUSINESS

Case No. 4547 James H. Atkinson & Edward Leiby

Request for an extension.

Mr. Lank stated that a letter had been received requesting a one year time extension for Case No. 4547 for a Special Use

Exception for a driving range and golf course. The applicant has not started construction and the time will expire before the construction starts.

Motion was made by Mrs. Hudson, seconded by Mr. Wheatley and carried unanimously that a one (1) year time extension be granted for Case No. 4547.

Case No. 4817 Stanley Huey

Mr. Lank stated that a letter from an attorney representing Mr. Huey had been received requesting that a Certificate of Compliance be issued for the third manufactured home on Mr. Huey's property, so his son and daughter-in-law can move in. He also requested that the second manufactured home that has to be removed, be allowed to stay on his property until (on or before) May, 1993, when the lease runs out and at that time the manufactured home will be removed. The letter was read into the record by Mr. Lank.

After some discussion, motion was made by Mr. Wheatley, seconded by Mrs. Hudson and carried unanimously that a Certificate of Compliance be issued to Mr. Huey's son and daughter-in-law so they can move into their manufactured home, and that the second manufactured home be removed on or before May, 1993.

DISCUSSION

Case No. 4815 Four Paws Animal Hospital

Mr. Lank stated that a question had arisen concerning the stipulation for an 8' fence when the animal hospital was approved. A manufacturer has stated that stockade fence is not made in 8' heights. There was a cost approval with the application for a 6' or 8' fence.

After some discussion, it was the consensus of the Board that they should wait for a legal opinion, since Mr. Jones, the Attorney for the Board was not present at this meeting. They requested that Case No. 4815 be put on the agenda as old business at the next meeting.

Meeting adjourned at 7:40 P.M.