

## Minutes of September 18, 2000

The regular meeting of the Sussex County Board of Adjustment was held Monday evening September 18, 2000, at 7:00 P.M., in the Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 P.M., with Chairman Callaway presiding. The Board members present were: Mr. Callaway, Mr. McCabe, Mr. Wheatley, Mr. Mills, Mr. Hudson, with Mr. Berl – Assistant County Attorney, Mr. Rickard – Chief Zoning Inspector, and Ms. Jackson – Recording Secretary.

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously to approve the Revised Agenda with the correction to discuss two other cases at the end of the public hearings.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approved the Minutes of September 11, 2000 as circulated.

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

Case No. 7241 – Ronald Brown – southwest of Road 395, southeast side of Captain's Lane, Lot 75, within Bay View Estates Subdivision.

A variance from the side yard setback requirement.

Mr. Rickard presented the case. Ronald Brown was sworn in and testified requesting a 3.6-foot variance from the required 15-foot north side yard setback requirement for a shed and a 0.4-foot variance from the required 15-foot south side yard setback for the dwelling; that the lot is undersized and is on a corner; that a friend of his laid the foundation for him; that he was told by the permit department that the setbacks for the shed were 10-foot from the side property lines; and that the variance for the shed is for the corner side.

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

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the variances be granted. Vote carried 5 – 0.

Case No. 7242 – John H. Thomas and Edward Kozlowski – southwest of Route One, north side of Queen Street, Lot 193, within Camelot Mobile Home Park.

A variance from the separation requirement between units in a mobile home park.

Mr. Rickard presented the case. Edward Kozlowski was sworn in and testified requesting a 6-foot variance from the required 20-foot separation requirement between units in a mobile home park for a deck instead of a 10-foot variance from the required

20-foot separation requirement between units in a mobile home park; that he hired a Delaware Contractor to build the deck, gave him a deposit and then he disappeared; that he built the deck himself; that he was told by Camelot that the 20-foot between units is from the manufactured home; and that the park does not have property lines.

Adria and Michael Litrenta were sworn in and testified that they are not in opposition, but have concerns with the deck being over their property line and safety reasons; that the property lines are established by the electric meters; that the applicant is planting shrubbery on their property; that they are not in objection with the deck not meeting the required 20-foot from their shed; that the applicant needs a greater variance than what he is asking for; and that they have lived in Camelot for 25 years.

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the variance be tabled until the exact variance needed is determined. Vote carried 5 – 0.

Case No. 7243 – Joseph and Carol Oliva – northwest of Route 24, southwest side of Radcliffe Drive, Lot 141, within Maplewood Subdivision.

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

Mr. Rickard presented the case. Carol Oliva was sworn in and testified requesting a 0.1-foot variance from the required 10-foot north side yard setback requirement for the dwelling instead of a 1-foot variance from the required 10-foot north side yard setback requirement and a 0.3-foot variance from the required 30-foot front yard setback requirement for an open deck instead of a 1-foot variance from the required 30-foot front yard setback requirement; that she started building the home in May of 1999; that she hired local professionals to build the home for her; that William Jones was the contractor; that he obtained the permits for her; and that her neighbors are 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 variances be granted. Vote carried 5 – 0.

Case No. 7244 – Donald and Pauline Wittle – east of Route 24, west end of Steele Drive, within Sherwood Forest North Subdivision.

A variance from the side yard setback requirement.

Mr. Rickard presented the case. Donald Wittle was sworn in and testified requesting a 3-foot variance from the required 10-foot east side yard setback requirement for a proposed garage; and that he cannot build the garage on the other side of the property because of the septic system.

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

Motion by Mr. McCabe, seconded by Mr. Wheatley, and carried unanimously that the variance be granted. Vote carried 5 – 0.

Case No. 7245 – Shayne G. Edwards – southwest of Road 263, Lot G-15 within Donovan/Smith Mobile Home Park.

A variance from the separation requirement between units in a mobile home park.

Mr. Rickard presented the case. Shayne G. Edwards was sworn in and testified requesting a 2.4-foot variance and a 4.3-foot variance from the required 20-foot separation requirement between units in a mobile home park; that the size of the new manufactured home is 14'x50'; and that the new home is replacing an existing home.

William Killroy, Manager of Donovan/Smith Mobile Home Park, was sworn in and testified that he is in favor of the application; that the new home is similar in size to the existing home; that the existing home was trashed; that Mr. Edwards family lives in the park; and that it is a very old park.

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

Motion by Mr. McCabe, seconded by Mr. Wheatley, and carried unanimously that the variances be granted. Vote carried 5 – 0.

#### **Old Business**

Case No. 7211 – Paul Scott Allen – west of Road 350, southwest side of Lake View Drive, Lot 25, within Banksville Park.

A variance from the front yard, rear yard, west side yard, and east side yard setback requirement.

Mr. Rickard stated to the Board that the office has received the survey that they requested; and that the survey shows all the improvements on the lot with the actual measurements from the property lines.

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously that the variances be tabled until October 2, 2000. Vote carried 5 – 0.

Case No. 7218 – Thomas C. Murphy – north of Road 279-B, north side of private road, Lot 42 and 48, within Joy Beach Subdivision.

A variance from the rear yard setback requirement.

The Board discussed the case.

Motion by Mr. Hudson, seconded by Mr. Mills, and carried unanimously that the variance be granted. Vote carried 5 – 0.

Case No. 7227 – James and Gwen Foehner – north of Road 279-B, (now private road), 520 feet northeast of Mallard Drive, Lot 19 and 20, within Joy Beach Subdivision.

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

Mr. Rickard stated to the Board that the office has received the survey that they requested; and that the survey shows the deck on the lot with the actual measurements from the property lines.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the variances be tabled until October 2, 2000. Vote carried 5 – 0.

Case No. 7235 – Robert Bayly – east of U.S. Route 13, 13,720 feet south of Road 454-A.

A special use exception for a billboard.

Mr. Mills stated that there is no need for additional billboards to be placed in the area.

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the special use exception be denied. Vote carried 5 – 0.

Case No. 7240 – Izzy Investments, L.L.C. – north of Elizabeth Avenue, 500 feet east of Dodd Avenue, Lot 20-C, within Ann Acres Subdivision.

A variance from the side yard setback requirement.

The Board discussed the case.

Motion by Mr. Wheatley, seconded by Mr. McCabe, and carried unanimously that the variance be denied. Vote carried 5 – 0.

#### **Other Business**

Case No. 7183 – Norvell Pausch – north of Road 341, west of East Lagoon Road, Lot 5, within Dogwood Acres Subdivision.

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

Mr. Rickard advised the Board that Mike Milligan, Planning and Zoning Inspector, had visited the site for an inspection for a certificate of compliance and realized that the applicant needed a greater variance than the Board approved.

There was a consensus of the Board that the applicant needs to re-apply for the greater variance that is needed.

Case No. 6841 – Ronald Scrutchfield & Lighting Realty, Inc. – north of Route 1, intersection of Road 265-A.

A variance from the rear yard setback requirement.

Mr. Rickard stated to the Board that the applicant would like to request a time extension until September 30, 2000.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the request for a time extension be granted until September 30, 2000. Vote carried 5 – 0.

Meeting Adjourned 8:40 P.M.