

Minutes of September 20, 1993

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, September 20, 1993 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. Callaway, Mr. Jones-Attorney and Mr. Betts-Zoning Inspector III.

Motion was made by Mrs. Hudson, seconded by Mr. Wheatley and carried unanimously that the minutes of September 13, 1993 be approved as circulated.

Case No. 5178--Robert Donohue - South side of Route 402, 1,600 feet west of Route 82.

A special use exception to place a second manufactured home to be connected to the existing manufactured home to be used as one single family unit.

The case was presented by Mr. Betts. Robert Donohue was sworn in and testified, requesting to connect a 14'x 70' five room office trailer to his existing 12'x 60' manufactured home to become one single family unit. The office trailer has no kitchen or bathroom. Mr. Donohue stated that it would take approximately two months to complete the connection of the two units, but to add an A-Roof and paint would take considerable more time. He testified that there are other manufactured homes in the area. The units will have the same skirting all around.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Wheatley and carried unanimously that the special use exception be granted with the following stipulations: An A-Roof be added to cover both units, matching siding or paint on both units, matching skirting all around and to be completed within one (1) year.

Case No. 5179--Crystal L. & Robert L. May - Northeast side of Route 600, 4,150 feet southeast of Route 599.

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. Crystal & Robert May were sworn in and testified, requesting to place a 1976, 12'x 65' manufactured home on property they are purchasing for their permanent residence. They testified that there are other manufactured homes in the area, some on less than five acres.

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.

Case No. 5180--William & Lynette Whealton - North side of Route 324,
1,100 feet northwest of Route 318.

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. Elijah William & Lynette Whealton were sworn in and testified, requesting to place a manufactured home temporarily on property they are purchasing, to live in while they are building a home. They testified that their home will be completed in two years. Mr. & Mrs. Whealton stated that there is a manufactured home on the adjacent property. They will place a single-wide unit on the property. Mrs. Whealton stated that her family owns property in the area.

There were no parties present in opposition.

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

Case No. 5181--Alexander & Rita Walters - South side of Route 363,
one mile east of Route 362.

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. Alexander, Jr. & Rita Walters were sworn in and testified, requesting to place a new manufactured home, possibly a double-wide, on property they are purchasing for their permanent residence.

Mary Larson was sworn in and testified in opposition, but stated that she would not oppose a double-wide unit with solid foundation, being placed on the property. She explained the location of the existing manufactured homes and also stated that there are stick-built homes in the area.

Mr. & Mrs. Walters stated that they have no problem with putting a double-wide manufactured home on the property with a solid foundation.

Motion was made by Mr. Wheatley, seconded by Mr. Callaway and carried unanimously that the special use exception be granted with the following stipulation: A double-wide manufactured home be placed on the property with a solid foundation.

Case No. 5182--John T. West - North side of Route 483, 750 feet
west of Route 446.

A special use exception to place second manufactured home on farm.

The case was presented by Mr. Betts. John T. & Barbara A. West were sworn in and testified, requesting to place a second manufactured home on farm for owner. Mr. West stated that the existing manufactured home is occupied by a nephew. Mr. West stated that he is the owner, but he will not live in the unit requested, he lives on another property. He proposes to eventually use the requested unit possibly for his son to live in if he wants to. He proposes at the present time to let someone else, probably his second cousin, place a manufactured home on the property and at a later time buy his unit for his son. His second cousin will not work on the farm. His nephew does not work on the farm either.

Mr. Jones, Attorney, explained to the applicants that the Zoning Code states an on farm manufactured home must be for an immediate member of the family or an employee working on the farm.

Janet Headley, who lives next door, was sworn in and testified that she is not opposed to the second manufactured home as requested.

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. Wheatley, seconded by Mr. Callaway and carried unanimously that the special use exception be denied, finding the manufactured home was not going to be occupied by an immediate member of the family or a person employed on the farm.

Case No. 5183--Roger B., Jr. & Elizabeth M. Wooleyhan - South side of Route 306A, 358 feet east of Route 5.

A variance from the lot width requirement.

The case was presented by Mr. Betts. Elizabeth Wooleyhan was sworn in and testified, requesting a 100' variance from the road frontage requirement for a new parcel. The applicants parents want to convey a parcel of land to their daughter to build a home on. By having a 50' road frontage the applicants will not have to pave the road that would lead to their property. The 50' would be considered as frontage on their property. They propose to build further back on the property.

John Monte was sworn in and testified in behalf of the application. He wants to convey the property to her to build a home on. He testified that he had spoken to the neighbors and found no opposition.

There were no parties present in opposition.

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

Case No. 5184--Dana C. & Tammy Illian - East side of private right of way, 215 feet north of Route 24, 600 feet west of Route 305.

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. Dana & Tammy Illian were sworn in and testified, requesting to place a 28'x 48' manufactured home on their property for their permanent residence. They testified that there are other manufactured homes in the area.

There were no parties present in opposition.

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

Case No. 5185--Joann Joachimowski - North side of Route 54, $\frac{1}{4}$ mile west of Route 344, Lot B, within Sunny Lawn.

A special use exception to operate a Day Care Center.

The case was presented by Mr. Betts. Joann Joachimowski and John Shorthose were sworn in and testified, requesting to operate a Day Care Center (Group Day Care) in their home for 11 to 14 children. Mrs. Joachimowski stated that she presently runs a Day Care Center for 6 to 8 children, all that the law allows. To increase the amount of children approval is needed. She will have 11 full time children and 2 before an after school, but not to be there more than 2 hours. She stated that the State law is possibly going to change to allow up to 3 children before and after school. She stated that she has a large home with ample space and a fenced in area, with playground. She has talked with the Fire Marshall and Public Health. She and her husband will be the employees and an 18 year old niece.

There were no parties present in opposition.

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

Case No. 5186--Nancy Lee & Albert Quillen - Southwest side of Route 331, 950 feet southeast of Route 339.

A special use exception to retain a manufactured home as a second manufactured home on farm.

The case was presented by Mr. Betts. Nancy Lee & Albert Quillen were sworn in and testified, requesting to retain a manufactured home on their property that was approved as a hardship case (Case No. 4501). They would like the manufactured home to remain as a second on farm unit to avoid having to renew the case every two years. Their parents and brother still need care and the situation will not change. They are requesting the unit as permanent second on farm, rather than a hardship and have to reapply every two years.

Mr. Betts stated that the property cannot be subdivided.

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. 5187--Kevin & Gail Fleming - North side of private road off Route 16, at the intersection with Route 226.

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. Kevin Fleming was sworn in and testified, requesting to place a double-wide manufactured home on his property for his permanent residence. He testified that there are five other manufactured homes and two stick-built homes in the area. He also stated that there is a manufactured home park, New Market Village, through the woods to the rear of his property.

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.

Case No. 5188--Christine E. Miller - East side of Route 274, 500 feet south of Arnell Road, Lot W-2, within Rehoboth Bay Park.

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

The case was presented by Mr. Betts. Christine Miller was sworn in and testified, requesting a 4'7" variance from the 20' setback requirement between units in a park, being Lot W-2, Rehoboth Bay Park. Ms. Miller wishes to replace an existing manufactured home with a larger unit. The existing manufactured home with a tip-out goes out further than the new unit will. A shed on the property will be removed.

Mr. Betts read a letter from the Rehoboth Bay Community voicing no opposition.

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.

Case No. 5189--Charles Oxenford - South side of Route 24, Lot G-6, within Love Creek Park.

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

The case was presented by Mr. Betts. Charles Oxenford and Milton Chaski, Jr. were sworn in and testified in behalf of the application. Mr. Oxenford requested a 2'5" variance from the 20' setback requirement between units in a park, being Lot G-6, Love Creek Park. Mr. Oxenford has put a new 14'x 70' unit on the lot

and needs a variance.

Mr. Chaski, representing the park, stated that they tried to place the manufactured home correctly. He feels the property stake in front may have been moved.

Mr. Betts stated that the variance needed is because of the deck not the manufactured home.

Mr. Chaski stated that a 10'8"x 36' deck built on the manufactured home is too close to one front corner of the property.

There were no parties present in opposition.

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

OLD BUSINESS

Case No. 5177 (cont'd.)--Barry Benson - Southwest side of Route 78,
1,200 feet northwest of Route 490A.

A variance from the front yard setback requirement.

Mr. Betts reviewed the case. He explained that the Zoning Inspector issued a violation to the applicant for a carport built too close to the front property line. The applicant built the carport without a permit. He requested a Certificate of Compliance the same day he got the permit. When the Inspector checked the carport he found it too close to the front property line.

After some discussion, motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that the variance be denied, finding the applicant has not met any of the requirements according to the Zoning Code (115-211), for granting a variance.

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

Meeting adjourned at 8:01 P. M.