

MINUTES OF SEPTEMBER 30, 2002

The special meeting of the Sussex County Board of Adjustment was held Monday evening September 30, 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 Chairman Callaway presiding. The Board members present were: Mr. Callaway, Mr. McCabe, Mr. Mills and Mr. Hudson, with Mr. Berl – Assistant County Attorney, Mr. Oates – Planning and Zoning Inspector, and Mrs. Norwood – Recording Secretary.

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously to approve the Revised Agenda. Vote carried 4 – 0.

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

Case No. 7900 – Melvin L. Joseph Sand & Gravel Co., Inc. – north of Road 322, 3,216 feet east of Road 321.

A special use exception to operate a concrete plant.

Mr. Oates presented the case. Melvin L. Joseph and C. Kenneth Carter were sworn in and testified requesting a special use exception to operate a concrete plant; that the concrete plant will be placed between the asphalt plant and sand plant; that the sand plant will directly hook up with the concrete plant; that the concrete plant will help reduce truck traffic by utilizing materials from the existing plant to produce the concrete; that the cement mix will be the only material shipped in to the plant and that the mix is directly distributed from a truck into the bin; that the plant will meet all County and State requirements; that the hours of operation are Monday through Saturday, 7:00 a.m. to 4:30 p.m., with no Sunday hours; and they submitted pictures.

Brenda J. Thompson was sworn in and testified in opposition to the application; that she is concerned about the water supply source; that when the Asphalt plant started up her well ran dry and that she had to install a new well in January 2000; that she has concerns about dust particles in the air, chemical run off from cleaning of the trucks; and the chemical Hi-Early that is used in concrete mix; and that she is concerned that an increase in business will affect traffic.

Jean Hudson was sworn in and testified in opposition to the application; that the Atlantic Concrete Plant in Lewes has a sign that reads “We are loud, dirty, and work late hours and we were here first”; that the equipment runs 6 days a week starting at 6:00 a.m. and that she is concerned that this will increase noise; that her well has lost pressure; that she is concerned for the potential danger of the borrow pit pond to the public; and that many neighbors are in opposition to the application but believe the Board does not listen.

In rebuttal, Melvin L. Joseph and C. Kenneth Carter, stated that the water used in the plant is drawn from the pond and should not affect any surrounding wells; that he has an existing well that is only 35-feet deep and he only uses it as any homeowner would use that type of well; that the borrow pit has existed since 1954 and has a dirt berm built around it to deter unlawful entry; that DNREC and the EPA have been out on numerous complaints and have tested for air pollution and found no violations; that the chemical Hi-Early has been used only one time by his company at Dover Downs to patch a hole that needed to be ready for a race the next day; and that any residue from the concrete trucks is rinsed off at the job site and that any leftover chips will be chiseled off the truck and kept in a storage area on site.

Mr. Oates read a letter from Pat Thatcher in opposition to the application.

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

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the case be **tabled until October 7, 2002**. Vote carried 4 – 0.

OLD BUSINESS

Case No. 7931 – Lelah M. Crockett – west of U.S. Route 13, south of Francis Street.

A variance from the minimum lot size requirement for a parcel.

The Board discussed the case.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be **granted**. Vote carried 4 – 0.

Case No. 7940 – Frances Patterson – south of Route 54, north of Roosevelt Avenue, Lot 14, within Cape Windsor 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 was **not required and to refund the fee**. Vote carried 4 – 0.

Meeting Adjourned 8:57 p.m.