

Minutes of October 2, 1995

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, October 2, 1995, in the Sussex County Council Chambers, Room 115, the 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 - Assistant County 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 September 25, 1995, be approved as circulated.

Case No. 5816 -- Evelyn Widen - south side of Route 472, at Route 434A, Lot 14S, within Trinity Meadows Subdivision.

A special use exception to place a manufactured homes in a AR-1 District on less than five acres for a permanent residence.

The case was presented by Mr. Betts. Evelyn Widen was sworn in and testified that she proposes to place a single wide manufactured home; that she has not decided if it will be a new or used manufactured home; that she is purchasing the property contingent upon approval of the special use exception application; that the adjoining lot is vacant; that there are manufactured homes across the street from this property.

There were no parties present in opposition.

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

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

Motion was made by Mrs. Hudson, seconded by Mr. Mills, and carried unanimously that this case be tabled, finding the Board needed to further evaluate the area.

Case No. 5817 -- Kirkie Williams and Teresa Armstrong - north side of Route 472, 1,159 feet east of Route 434, Lot 2D, within Trinity Meadows Subdivision.

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. Teresa Armstrong and Kirkie Williams were sworn in and testified that they propose to place a 1989 14 X 80 manufactured home; that the adjoining lots are vacant; that there is one dwelling and one manufactured home in the area.

There were no parties present in opposition.

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

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

Motion was made by Mrs. Hudson, seconded by Mr. Callaway, and carried unanimously that this case be tabled, finding the Board needed to further evaluate the area.

Case No. 5818 -- L. Tom Baker - west side of Route 273, 1/4 mile south of Route One, Lot 234, within Kings Creek Country Club.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Barry Joseph was sworn in and testified that he is the builder; that the florida room encroaches the side yard setback requirement. Mr. Joseph presented a survey and letter from the developer supporting the request for a variance.

Mr. Betts presented a letter from the King's Creek Architectural Review Committee stating the committee accepts the encroachment.

There were no parties present in opposition.

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

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

Motion was made by Mrs. Hudson, seconded by Mr. Wheatley, and carried unanimously that the 9" variance from the side yard setback requirement be granted.

Case No. 5819 -- Bernice Koski Hall - south side of Route 20, 200 feet east of Route 552, Lot 25, within Branchview Subdivision.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Bernice Hall was sworn in and testified that the garage has been existing for several years; that the discrepancy was noted when a survey was done; that the lot adjacent to the garage is vacant.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mr. Callaway, and carried unanimously that the 11.06' variance from the side yard setback requirement be granted.

Case No. 5820 -- Alan W. Humes - southeast side of F Benson Street,  
100 feet northeast of Route One, Lot 3, within  
Dodd's Addition to Rehoboth.

A variance from the lot size requirement for a duplex.

The case was presented by Mr. Betts. Alan Wesley Humes was sworn in and testified that there are other duplex structures in the area; that the structure adjoining the left side of the lot has three (3) units; that he is not aware of any problems with the neighbors; that there will be at least four (4) off street parking spaces. Mr. Humes presented floor plans of the duplex.

Bernice and Glen Billinger were sworn in and expressed their concerns regarding the parking problems in the area during the summer season; that they were not opposed if adequate parking was provided.

Motion was made by Mr. Wheatley, seconded by Mr. Callaway, and carried unanimously that the 2,260 sq. ft. variance from the duplex requirement be granted.

Case No. 5821 -- Evans Witt and Amy Sabrin - east side of Route  
One, Lot 50, within Ocean Ridge Subdivision.

A variance from the corner side yard setback requirement.

The case was presented by Mr. Betts. Jim Parker, representing the applicants, was sworn in and testified that it is a single family dwelling; that the steps are encroaching the side setback requirement.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Wheatley, and carried unanimously that the 32" variance from the side setback requirement be granted.

Case No. 5822 -- Jesse and Lucy McInvale - north side of Route 451, at the intersection 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. Lucy and Jesse McInvale were sworn in and testified that they propose to place a 1989 14 X 76 manufactured home; that the manufactured home is currently in Laurel Village Mobile Home Park; that the adjoining lot is vacant; that there are other single wide manufactured homes in the area; that a single wide manufactured home has been approved for another lot in the area.

There were no parties present 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 hearing, the Chairman referred back to this case.

Motion was made by Mr. Mills, seconded by Mrs. Hudson, and carried unanimously that this case be tabled, finding the Board needed to further evaluate the area.

Case No. 5823 -- Ronald J. and Renee L. Maniace - north side of Route 451, 333 feet west of Route 463.

A special use exception to place a manufactured home in a AR-1 District on less than five acres for a permanent residence.

The case was presented by Mr. Betts. Renee and Ronald Maniace were sworn in and testified that they propose to place a new 28 X 64 doublewide manufactured home on a permanent foundation; presented pictures of the manufactured home.

There were no parties present in opposition.

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

Case No. 5824 -- Ronald Howdershelt - west side of Route 562, 4,000 feet south of Route 404.

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. Ronald Nelson Howdershelt, Jr. was sworn in and testified that he proposes to place a 1996 28 X 56 doublewide manufactured home; that the adjoining lot on the right is vacant; that there is one dwelling and one manufactured home in the area.

There were no parties present in opposition.

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

Case No. 5825 -- Nicholas J. Lombardi - east side of Route 594, 500 feet south of Route 545, Lot 40, within Country Glen Subdivision.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Nicholas, Jr. and Christine Lombardi were sworn in and testified that they place a doublewide manufactured home where the previous manufactured home was placed; that there are existing walkways; that the deed restrictions states the units must be exactly 20' from the front property line.

There were no parties present 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 hearing, the Chairman referred back to this case.

Motion was made by Mr. Wheatley, seconded by Mr. Mills, and carried unanimously that the 6 1/2' variance from the front setback requirement be granted.

Case No. 5826 -- Robert L. and Mary L. Richards - east side of Route 274, at the intersection of Route 275A, Lot 50, within Pine Valley Coop. Mobile Home Park.

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

The case was presented by Mr. Betts. Mary and Robert Richards were sworn in and testified that they propose to put an addition on their manufactured home; that they are not aware of any opposition from the neighbors; that there are other setback variances in the park; that the homeowners cooperative has been notified.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Mills, and carried unanimously that the 1 1/2' variance from the setback requirement between units be granted.

Case No. 5827 -- Norval Johnson - south side of Route 9, 1,460 feet east of Route 479.

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. Norval Johnson was sworn in and testified that he proposes to place a manufactured home for his mother to reside in; that he owns the adjoining property to the rear of the lot; that he plans to retain ownership of the land and manufactured home.

The Board advised Mr. Johnson that the land and manufactured home should be at least jointly owned by him and his mother; that he could combine the two parcels and eliminate the need for a special use exception.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mrs. Hudson, and carried unanimously to table this case, pending the clarification of a survey being needed to combine the parcels.

Case No. 5828 -- Melvin Cannon, Sr. - east side of Route 533, 4,550 feet south of Route 18.

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

The case was presented by Mr. Betts. Melvin Edward Cannon was sworn in and testified that he owns three (3) lots; that he operates a logging business on the parcel for the application; that there are several cars on the property including two (2) or three (3) unlicensed vehicles; that his son will reside in the second

manufactured home; that the existing manufactured home is occupied by someone who is not a relative or an employee of his business.

There were no parties present in opposition.

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

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

Motion was made by Mr. Mills, seconded by Mrs. Hudson, and carried unanimously that this case be tabled, finding the Board needed to further evaluate the area.

Case No. 5829 -- R & R Bayside, Inc. - north side of Route One, at the intersection of Route 271.

A variance from the requirements for signs.

The case was presented by Mr. Betts. Dean Luther and Dale McAllister were sworn in and testified that Sign Art, a Texas firm, did a study of the area and found several stores had two (2) wall signs and therefore sent them two (2) wall signs to place; that they were informed when they applied for the permit that only one (1) wall sign was permitted.

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. 5830 -- Patrick C. Brown and Cinthia L. Campbell - north side of Route 235A, 2,720 feet northeast of Route 5, Lot 12, within Starlight Meadows Subdivision.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Bruce Camper was sworn in and testified that the porch and steps are encroaching into the front setback requirement; presented floor plans of the dwelling.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mrs. Hudson, and carried unanimously that the 6.2' variance from the front yard setback requirement be granted due to the odd shape of the lot.

OLD BUSINESS:

Case No. 5672 -- 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 a variance from the minimum  
square footage of a manufactured home in a park.

Mr. Betts advised the Board that a surveyor is working on a  
revised layout and has submitted a preliminary plan. When the  
survey is finalized all units that are replaced will conform to the  
requirements.

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

Case No. 5673 -- Malone's Bayside Marina - north side of Road 22,  
one mile east of Road 22C, Lot 10 Clam, within  
Malone's Bayside Marina.

A variance from 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 a surveyor is working on a  
revised layout and has submitted a preliminary plan. When the  
survey is finalized all units that are replaced will conform to the  
requirements.

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

Case No. 5805 -- Carey Family Partnership - south side of Route  
381A, 1,100 feet east of Route 382.

A variance from the minimum lot width requirement.

Mr. Betts reviewed the case.

The Chairman informed the Board that a similar request for the  
property was denied in June 1994; that the applicant was different  
than the previous applicant; that the lot size was different than  
the previous application.

Motion was made by Mr. Wheatley, seconded by Mr. Mills, to  
consider this application, finding it was substantially different  
than the previous application.

Motion was made by Mr. Wheatley, seconded by Mr. Callaway, and carried unanimously to grant the variance from the lot size requirement, finding it would not adversely affect the area.

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

Meeting adjourned 8:28 P.M.