

MINUTES OF OCTOBER 4, 1993

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, October 4, 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. Calloway, Mr. Mills, Mr. Jones - Attorney, Mr. Betts - Zoning Inspector III, and Mr. Lank - Director.

Motion was made by Mr. Wheatley, seconded by Mrs. Hudson, and carried unanimously that the minutes of September 20, 1993 be approved as circulated.

CASE NO. 5190 -- HARRY M., JR. and IDA M. FITCHETT - East side of Route 516, 4,100 feet South of Route 526.

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

The case was presented by Mr. Betts. Harry M., Jr. and Ida M. Fritchett were sworn in and testified, requesting to retain an existing manufactured home on 1.5 acres they are purchasing from Marie D. McNeal for their permanent residence. They testified that two manufactured homes exist across Road 516, that the parcel will contain a minimum frontage of 150 feet, and that they are not aware of any objections to their application.

There were no parties present in opposition.

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

CASE NO. 5191 -- RICHARD SHARP - East side of Route One, 700 feet north of Seabreak Drive, within Admiral's Point.

A variance from the setback requirements for tennis courts.

The case was presented by Mr. Betts. There were no parties present in behalf of this case. The chairman held the hearing open until the end of the meeting.

After the public hearings, the Chairman referred back to this case. There were no parties representing the application.

Motion was made by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously that the case be denied, finding that the applicant or a representative failed to appear.

CASE NO. 5192 -- RONALD W., Sr. AND THERESA JOHANSEN - East side of Route 562, 300 feet North of Route 31.

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 W., Sr. and Theresa Johansen were sworn in and testified, requesting to place a double wide manufactured home with a brick foundation on a lot that they are purchasing from Wheatley Farms, Inc. for their permanent residence. They testified that there are several manufactured homes in the area.

Dale Wheatley of Wheatley Farms, Inc. was sworn and testified that 20 to 25 manufactured homes exist along Route 31, that the stipulations of sale for the lot include the requirement that the unit be a double wide manufactured home with a foundation.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mr. Wheatley, 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. 5193 -- GERALD PERRY - East side of Route 274, 800 feet South of Route One, Lot 43, within Pine Valley.

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

The case was presented by Mr. Betts. Gerald Perry was sworn in and testified, requesting a 2'2" variance from the required 20 feet setback between units within a manufactured home park. Mr. Perry testified that he wants to build a 10' by 50' screened in porch addition to his manufactured home, and that he is not aware of any opposition to his application.

There were no parties present in opposition.

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

CASE NO. 5194 -- JACK and HONORE KENDLE - East side of Route 297,  
1/4 mile Northwest of Route 297A.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Jack and Honore Kendle were sworn in and testified, requesting a 1' variance from the required 10' side yard setback requirement. They testified that the home was placed on the lot in July of 1993 by the contractor in error, that the lot is irregular in shape, and that there are no known objections to their application.

James Strader was sworn in and testified that the applicants are innocent of any wrong doings and that the placement was an honest mistake.

There were no parties present in opposition.

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

CASE NO. 5195 -- IRENE S. KING - North side of Route 467B, 620  
feet East of Route 467.

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

The case was presented by Mr. Betts. Irene S. King and Robert King were sworn in and testified, requesting to place a second manufactured home on their farm of 26.86 acres for their grandson, that the unit will be 14' by 70', that the existing unit is occupied by a relative, and that there is no intent to use either unit for rental.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mrs. Hudson, and carried unanimously that the special exception be granted with the stipulation that the unit be utilized by a relative.

CASE NO. 5196 -- HARRY and LIV WHAPLES - East side of Route One,  
1/4 mile Southeast of Route 283, Lot 148, within Midway  
Estates.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Harry and Liv H. Whaples were sworn in and testified, requesting a 4' variance from the 10' side yard setback requirement to allow them to build a 14' by 22' attached garage to their dwelling. They testified that there is no way to build the garage without a variance, that the property owners association dis-banded approximately 10 years ago, that they have spoken to residents in the general area and are not aware of any objections to their application.

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.

#### OTHER BUSINESS

##### CASE NO. 5177 -- BARRY BENSON

Mr. Mills advised the Board that Barry Benson, the applicant for Case No. 5177, denied on September 20, 1993, had contacted him and asked if it was possible for the Board to have a re-hearing on his application.

Mr. Jones advised the Board that the only way the Board could rehear a Case was if the applicant could provide additional evidence over and above the information provided at the public hearing. If the Board felt that the additional information was substantial enough to rehear the Case, the staff could re-advertise the application.

#### OLD BUSINESS

##### CASE NO. 4308 -- Nomad Village, Inc.

Mr. Jones advised the Board that Judge Henley Graves of Superior Court announced that he will be reversing the Board's decision in reference to Nomad Village, Inc. since the Board did not create any findings in making a decision.

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

Meeting adjourned at 7:32 P.M.