

MINUTES OF OCTOBER 4, 1999

The regular meeting of the Sussex County Board of Adjustment was held Monday evening October 4, 1999 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. Hudson, Mr. Mills, Mr. McCabe, Mr. Wheatley, Mr. Berl – Assistant County Attorney, Mr. Rickard – Chief Zoning Inspector, Mr. Lank – Director and Ms. Jackson – Recording Secretary.

Mr. Lank advised the Board that no action would be taken on the minutes of September 13, 1999 since the minutes were not completed.

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

Case No. 6970 – Bradford Kline – east of Windswept Way, 50 feet north of Windswept Circle within Ocean Breezes Subdivision, east of Route One, Lot 5.

A variance from the side yard setback requirement.

Mr. Rickard presented the case. James A. Fuqua, Jr., Attorney, was present on behalf of Mr. Kline requesting a 4.7' variance from the required 10' side yard setback for a metal spiral staircase. Mr. Fuqua submitted original building plans, revised building plans of the deck, and a subdivision plan. Mr. Fuqua added that the staircase would have a minimal impact on the view to the ocean by neighbors; described DNREC building restriction line; that Mr. Kline owns the adjacent lot; that a 6' walkway to the beach separates the two lots; and that no adverse impact on property values is anticipated.

Warren Lesage and Bruce Otatti were sworn in and testified that they based the purchase of their lots on the subdivision plans, restrictions and the view; that their view could be impacted by the stairs; and that the house has other access to the upper levels.

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

Case No. 6971 – Vida B. and Milton T. Ayers – north of Road 297, approximately 750 feet west of Road 304.

A special use exception to place a manufactured home on a medical hardship basis.

Mr. Rickard presented the case and read a letter from Dr. James P. Marvel, Jr., M.D. Vida and Milton Ayers were both sworn in and testified that they would like their son to be permitted to place a mobile home on their property to care for his mother, Vida.

There were no parties in opposition.

Motion was made by Mr. Wheatley, seconded by Mr. Hudson and carried unanimously that the special use exception be granted on a medical hardship basis for a period of two (2) years. Vote 5 – 0.

Case No. 6972 – James D. Burklew – southwest of Route One, northeast side of Dodd Avenue, Lot NG-6, within Sea Air Village Mobile Home Park.

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

Mr. Rickard presented the case. James D. Burklew and George Littleton, mobile home park maintenance manager, were sworn in and testified requesting a 7' variance from the setback requirement from a shed.

There were no parties in opposition.

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

Case No. 6973 – Florence P. Brady – west of Road 299, Lot 11.

A variance from the square footage requirement for an accessory structure on a vacant lot.

Mr. Rickard presented the case. Florence P. and Donald Brady were sworn in and requested to place a 28 x 36 detached two car garage on a vacant lot. Applicant stated she did not wish to combine both parcels due to estate planning.

There were no parties in opposition.

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

Case No. 6974 – John and Gayle Kelley – south of Route 54, west of Monroe Avenue, Lot 7, within Edgewater Acres Subdivision.

A variance from the side yard setback requirement.

Mr. Rickard presented the case. John Kelley was sworn in and stated that two sides of his property were bounded by streets; that most homes in the development have 10' side setbacks; that he would like the addition and porch to be functional as well as attractive in appearance.

Pat Ficken and Chuck Phillips, homeowners association members, were sworn in and testified in support of the application.

Mr. Rickard read a letter in support of the application from Joan and Dave Whitney.

There were no parties in opposition.

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

Case No. 6975 – Lichell Malabet – northeast of Route One, intersection east of Route 5.

A special use exception for a day care facility.

Mr. Rickard presented the case. Lichell Malabet was sworn in and testified that she is requesting to operate a day care center for approximately 49 children. She stated that she would have approximately 5 full time and 3 part time employees on the first floor to teach 1-6 year old children; that she would have 2 full time and 1 part time employees to teach school aged children on the second floor; that there would be 500 square feet of fenced in recreational area; that her hours would be Monday through Friday 6am to midnight; and she may provide evening care for shift workers and possible weekend care.

Benjamin Franklin Lowe, III, was sworn in and testified in support of the application stating that there is a need for a day care facility in the area.

Marcel H. Truitt was sworn in and testified in support of the application stating that Lichell Malabet does a great job with her children and that there is a great need for a day care in the area with recreational benefits.

Wayne Locke was sworn in and testified in support of the application stating that he is a good friend of the applicant and that her home daycare is limited.

There were no parties present in opposition.

Motion was made by Mr. Wheatley, seconded by Mr. Hudson and carried unanimously that the special use exception be granted. Voted 5 – 0.

Case No. 6976 – Anne M. Porter – east of Route 16, northwest side of North Carolina Avenue, Lot 9, within Broadkill Beach.

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

Mr. Rickard presented the case. Anne M. Porter was sworn in and testified that she is requesting a 1.6' variance for a required 5' side yard setback for a shed. A variance for the rear yard setback is not needed.

Al Cooney and Gene R. Bossert were sworn in and testified in support of the application.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mr. Wheatley and carried unanimously that the variance be granted. Voted 5 – 0.

Case No. 6977 – Tom and Diane Geib – east of Route One, north of South Carolina Avenue, Lot 8.

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

Mr. Rickard presented the case. Phillip Craig and Tom Geib were sworn in. Mr. Craig stated that existing structure does not meet required setbacks; that they would like to place a new structure in the exact location and that the new structure would improve the site. Mr. Geib submitted a site plan, building plan, photos and a petition with fourteen neighbors in support of the application.

There were no parties present in opposition.

Motion was made by Mr. McCabe, seconded by Mr. Hudson and carried unanimously that the variance be granted. Vote 5-0.

Case No. 6978 – Raymond and Beatrice Appold – east of Edward Street, southeast of Route 535, Lot 17 and 18, within Snug Harbor Subdivision.

A variance from the side yard setback requirement.

Mr. Rickard presented the case. Raymond and Beatrice Appold were sworn in requesting a 5' variance from the required 15' north side yard setback to extend their home and stated that the property review committee, president of the homeowners association and neighbors were all in support of the application.

Mr. Rickard read a letter dated September 10, 1999 from a Mrs. Brunner that is in objection to the application.

Motion was made by Mr. Mills, seconded by Mr. McCabe and carried unanimously that the variance be granted. Vote 5-0.

Case No. 6979 – Felecia Burton – north of Road 297, Lot 16, within Laurence S. Cordrey Subdivision.

A special use exception to place a manufactured home on a medical hardship basis and to connect two manufactured homes to make one unit.

Mr. Rickard presented the case and read a letter from Joseph E. Black, M.D. referencing Mr. Burton's health. Felecia Burton was sworn in and testified requesting a special use exception to connect a second singlewide mobile home to an existing mobile home. Felecia stated that she would be connecting a 10x60 mobile home to her present mobile home to take care of her father even though a medical hardship basis is not necessary; that she would improve the units with an A-roof and matching siding; and that she would only have one (1) kitchen.

There were no parties 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 stipulations:

1. The manufactured home shall be enclosed with a block foundation.
2. The units shall be improved with matching siding.
3. An A-Roof shall be installed.
4. There shall only be one (1) kitchen.
5. The improvements shall be completed within one (1) year.

OLD BUSINESS

Case No. 6967 – Peninsula Poultry Equipment Co., Inc. – east of Route 13, 1,200 feet south of Road 466.

A special use exception to place a billboard and a variance from the side yard setback requirement.

Mr. Mills questioned if the sign would be 300 feet from a mobile home within the mobile home park to the rear of the site.

The Board discussed the requirements for a 200 square feet sign vs. a 300 square feet sign.

Motion was made by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the special use exception and the variance be denied. Vote 5-0.

Meeting adjourned at 8:40 P.M.