

Minutes of October 19, 1992

The regular meeting of the Sussex County Board of Adjustment was held after due notice on October 19, 1992, 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. Mills, Mr. Callaway, Mr. Jones-Attorney and Mr. Betts-Zoning Inspector III.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the minutes of October 5, 1992 be approved as circulated.

Case No. 4924--Benny M. & Margaret Mullins - North side of Route 388, 420 feet east of Route 17.

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. Margaret Mullins was sworn in and testified, requesting to place a manufactured home approximately 12'x 60' in size, on their property for their permanent residence. She stated 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. Callaway and carried unanimously that the special use exception be granted.

Case No. 4925--Helen M. Carter - Northeast side of Route 565, 1,170 feet east of Route 113.

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. Helen M. Carter was sworn in and testified, requesting to place a 28'x 44', 1993 manufactured home on her property for her permanent residence. She stated that there are approximately three other manufactured homes in the area, plus stick-built homes.

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.

Case No. 4926--John Stanley & Patricia K. Michalski - North side of Route 54, Lot 69, within Swann Keys.

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

The case was presented by Mr. Betts. Patricia Long was sworn in and testified, representing the applicants who requested a 2'2" variance from the 20' setback requirement between units in a manufactured home park, to be 17'10". The applicants propose to construct a silver top screen porch with an 8'x 16' enclosed room and also add a 24' canopy over a cement walk. The work to be done in the spring. There is an existing shed on the property that can be moved if needed, according to Ms. Long. The property being, Lot 69, within Swann Keys.

Letters presented were read into the record by Mr. Betts. The letters from: Bernard H. Lanham, Rosalie Hand and Thomas Lee voiced no objections.

There were no parties present in opposition.

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

Case No. 4927--C. Allen Graham - South side of Route One, $\frac{1}{4}$ mile northwest of Route 273, Lot A-58, within Sea Air Mobile City.

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

The case was presented by Mr. Betts. C. Allen Graham was sworn in and testified, requesting an 8' variance from the 20' setback requirement to be 18', on Lot A-58, within Sea Air Mobile City Mobile Home Park. Mr. Graham proposes to construct a 12'x 18' enclosed porch to be used for living quarters.

Letters presented were read into the record from Anthony Bryan and Sandra Stintsman, representing Sea Air Mobile City and George A. Wildberger, a neighbor, voicing no objections.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that an 8' variance be granted.

Case No. 4928--David J. Littleton, Jr. - North side of Route 419, 1,970 feet west of Route 415A.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence, and a variance from the lot width requirement.

The case was presented by Mr. Betts. David Littleton, Jr. was sworn in and testified, requesting to place a 1981, 14'x 60' manufactured home on property to be deeded to him for his permanent residence, and also a 40' variance from the 150' required road frontage for a new lot, to be 110'. Mr. Littleton, Jr. stated that there are three other manufactured homes in the area.

Frank J. Baker, Step-Father, was sworn in and testified in behalf of the requests, stating that they are deeding property to the

applicant. He described what is in the area.

Joyce Baker was sworn in and testified in behalf of the requests.

There were no parties present in opposition.

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

Case No. 4929--Fred & Karen Bowen - West side of Route 330, 700 feet north of Route 26.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Fred Bowen was sworn in and testified, requesting a 5' variance from the 40' required front yard setback to be 35'. He proposes to build a living room and foyer to his home, which is their permanent residence. He stated that the proposed location is the only logical place to put the addition.

Robert Dillon was sworn in and testified in behalf of the application, stating he sold the property to the applicants four years ago. He stated that the home on the property is small and there is a need for more living area, and that the applicants have improved the property.

There were no parties present in opposition.

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

Case No. 4930--Merrill R. & Judith A. Baker - West side of Route 243, 1,100 feet northeast of Route 113.

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

The case was presented by Mr. Betts. Merrill and Judith Baker were sworn in and testified, requesting to continue the use of a manufactured home on their property on basis of hardship. Hardship basis is to be renewed every two years. They testified that there is no change in their request from Case No. 4174.

Mr. Betts read an updated letter from a doctor verifying the medical hardship.

There were no parties present in opposition.

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

Case No. 4931--Bernard P. Sweetney, Jr. - South side of Woodland Court, 300 feet west of Woodland Circle, Lot 58 and part of Lot 59, within Angola By The Bay.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Bernard Sweetney, Jr. was sworn in and testified, requesting a 5' variance from the 30' front yard setback to be 25' on Lot 58 and part of Lot 59 in Angola By The Bay. The applicant proposes to extend a screen porch on the front of his home. He testified there will be no traffic view obstruction.

Mr. Betts read a letter from Marvin & Jean Harding in favor of the variance.

There were no parties present in opposition.

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

Case No. 4932--Conrad E. Bunting - South side of Route 54, 1,030 feet east of Route 330.

A special use exception to operate a driving range.

The case was presented by Mr. Betts. Conrad Bunting was sworn in and testified, requesting to operate a driving range on property consisting of 12.86 acres. Mr. Bunting stated that he will operate the driving range from 8:00 A.M. to dusk. There will be no lighting for night time use. He will operate year round. He testified that 6' fencing will be used on the side where there is an office building. There will be 20 to 25 cars at one time on the property.

It was suggested by the Board that if approved, Mr. Bunting might consider using netting since 6' fencing may not be high enough.

Frank Churchman was sworn in and testified questioning parking and the effect on traffic on Route 54.

Mr. Bunting stated that ample parking on the property will be provided.

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 stipulations that 20' fencing or netting be placed on the west side of the property between the last tee and the commercial building, and that sufficient parking be provided off the highway.

Case No. 4933--Martin & Daisey Hughes - Southwest side of Route 214, 203 feet northwest of Route 216, Lot 37, within Draper Foods 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. Martin & Daisey Hughes were sworn in and testified, requesting to place a 1988, 14'x 70' manufactured home on property they are under sales contract to purchase, being Lot 37, in Draper Foods Subdivision. This will be their permanent residence. They stated that there are four other manufactured homes in the area, as well as other vacant lots.

There were no parties present in opposition.

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

Case No. 4934--Brenda M. Banks - South side of Route 215, 620 feet east of Route 627.

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. Brenda Banks was sworn in and testified, requesting to place a new double-wide manufactured home on her property for her permanent residence. She testified that there is one other manufactured home in the area.

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.

OLD BUSINESS

Case No. 4921 (cont'd.)--Atlantic Investment Group, Inc.- Southwest side of Route 54, abutting Roosevelt Avenue, within Cape Windsor.

A special use exception to operate a Bed and Breakfast Facility.

Mr. Betts reviewed this Case and Case No. 4922, to operate a Bed and Breakfast Facility.

It was stated in discussion that single-family dwellings can be put on each lot as they exist, without Board approval. Access to the property is by boat.

Mr. Jones, Attorney, explained to the Board the standards to be considered by the Board for the granting of special use exceptions. He reviewed the public hearings held for both cases.

All discussion to be incorporated into Case No. 4922.

After some discussion, motion was made by Mr. Mills and seconded by Mr. Wheatley that the special use exception be granted with the stipulations that a 6' chain link fence be placed between properties to prohibit pedestrian traffic in Cape Windsor and lessen the impact, and contingent on receiving appropriate permits for sewer, water, electric and telephone, with Mr. McCabe voting to deny. Motion carried with four voting in favor and one against. Findings for granting the special use exception, that it will not adversely affect neighboring and adjacent properties.

Mr. Mills feels the use will not affect neighboring properties being the type of business that it is.

Mrs. Hudson feels the lots are buildable lots and the Bed and Breakfast will not affect anymore than single-family homes, and the people will not be there all of the time because of transportation.

Mr. Callaway feels the fence will keep traffic down and people out of Cape Windsor and it will not affect the area.

Mr. Wheatley stated he is in agreement with statements made by the Board members and feels the use is practically the same as single-family dwellings.

Case No. 4922 (cont'd)--Atlantic Investments Group, Inc. - Southwest side of Route 54, abutting Roosevelt Avenue, within Cape Windsor.

A special use exception to operate a Bed and Breakfast Facility.

All reviews and discussion from Case No. 4921 are incorporated into this case.

After some discussion, motion was made by Mr. Mills and seconded by Mr. Wheatley that the special use exception be granted with the stipulations that a 6' chain link fence be placed between properties to prohibit pedestrian traffic in Cape Windsor and lessen the impact, and contingent on receiving appropriate permits for sewer, water, electric and telephone, with Mr. McCabe voting to deny. Motion carried with four voting in favor and one against. Findings for granting the special use exception, that it will not adversely affect neighboring and adjacent properties.

Mr. Mills feels the use will not affect neighboring properties being the type of business that it is.

Mrs. Hudson feels the lots are buildable lots and the Bed and Breakfast will not affect anymore than single-family homes, and the people will not be there all of the time because of transportation.

Mr. Callaway feels the fence will keep traffic down and people out of Cape Windsor and it will not affect the area.

Mr. Wheatley stated he is in agreement with statements made by the Board members and feels the use is practically the same as single-family dwellings.

Meeting adjourned at 8:01 P. M.