

Minutes of November 6, 1995

The regular meeting of the Sussex County Board of Adjustment was held on Monday evening, November 6, 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 Mr. Mills, seconded by Mrs. Hudson, and carried unanimously that the minutes of October 16, 1995, be approved as circulated.

Case No. 5845 -- George P. Hughey - northeast side of Route 5, 1/2 mile east of Route 24, Lot 41, within Driftwood Village.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. George Hughey was sworn in and testified that there were several violations in Driftwood Village that were presented to the Board several years ago; that the Board requested each case be presented separately; that this variance was overlooked.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Mills, and carried unanimously that a variance of 20' from the 30' front setback requirement be granted.

Case No. 5846 -- Robert F. Wright - on the corner of Route 5 and Route 212B (Walls Road), Lots 21 through 25 and Lot 41, within Hazzard's Addition.

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. Robert F. Wright was sworn in and testified that the adjoining lots are vacant; that there are dwellings in the area; that there are other manufactured homes in the area; that his daughter and son-in-law will reside in the manufactured home; that the manufactured home will not be more than six (6) years old; that there was a manufactured home on the lot when purchased.

Clyde Tuggle was sworn in and testified that he lives in the area; that the dwellings in the area are stick built; that he opposes the application; that he believes a manufactured home

will decrease property values.

Michael Bunting was sworn in and testified that he opposes the application; that he believes a manufactured home will decrease property values.

Jill Wright was sworn in and testified that she lives in a dwelling; that she opposes a single wide manufactured home placement in the area.

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 Mr. Callaway, seconded by Mrs. Hudson, and carried unanimously that the special use exception be denied.

It was the consensus of the Board that a manufactured home would adversely impact the area; that it would be out of character for the area; that it would decrease surrounding property values.

Case No. 5847 -- Harold A. and Mary Ann Colvin - south side of
Route 363, at Route 362, Lot 11, within
Plantation Park Marina
A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Mary Ann and Harold Colvin were sworn in and testified that the lot was overgrown when it was purchased; that they were not aware that erosion has reduced the lot size; that they used the plot plan for lot size; that the cul-de-sac also reduced the lot size; that they used an incorrect measuring point when determining their setback.

Mr. Betts presented letters in support from Plantation Park Marina Association and Patricia Moore.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Callaway, and carried unanimously to grant the variance of 15.27' from the front setback requirement of 30'.

Case No. 5848 -- Jamie B. and Melvin Luby - south side of Route 16,
350 feet east of Route 595A.
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. Juanita Cason was sworn in and testified that she proposes to place a manufactured home to be used as a rental unit; that the unit would be a single wide manufactured home; that woods adjoin the parcel.

Mary Stokes was sworn in and testified that she lives in a dwelling; that the 10' easement requirement would not leave sufficient space for emergency vehicles; that a manufactured home would decrease property values.

Motion was made by Mr. Wheatley, 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 special use exception be denied.

It was the consensus of the Board that a hardship did not exist; that the unit was for rental purposes, therefore it did not meet necessary conditions for a special use exception.

Case No. 5849 -- R.B.O. Associates, LP - southwest side of Route One, 1,500 feet northwest of Route 270.
A variance from the rear yard setback requirement.

The case was presented by Mr. Betts. David Rutt, attorney, represented the applicants. Gordon B. Meade, Project Manager, was sworn in and testified that a site plan was submitted to Planning and Zoning; that the site plan was approved by Planning and Zoning; that the enclosed dock area was a revision to the original site plan submitted; realized the encroachment when inspector did a field inspection; if dock was built within setbacks, tractor trailers would have difficulty parking to unload; that there would still be sufficient space for ingress and egress and emergency vehicles; that an enclosed dock would provide protection and improve appearance.

Mabel Granke was sworn in and testified that she also represents Richard Anthony in opposition; that the site plan when submitted did not include an enclosed area; that the applicants were aware of setback requirements; that if a hardship existed it was self imposed; that the applicant was aware the design of the building was a condition of L.L. Bean.

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.

Case No. 5850 -- Ernest Fox - south side of Route 485, 1/4 mile east of Route 13A.

A variance from the setback requirement for a stable structure.

The case was presented by Mr. Betts. The applicant did not appear to represent his application.

Motion was made by Mrs. Mills, seconded by Mr. Callaway, and carried unanimously to deny this application due to the lack of a record in support.

Case No. 5851 -- Thomas R. Stoddard - Route 54, 1/4 mile west of Route 1, within Mason-Dixon Mobile Home Park.

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

The case was presented by Mr. Betts. Carol Ann and Thomas R. Stoddard were sworn in and testified that they propose to screen in the existing deck which would cause an encroachment into the 20' setback requirement between units in a manufactured home park; that there is not a mobile home park association.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Callaway, and carried unanimously to grant a variance of 12' from the require 20' setback requirement between units in a mobile home park.

Case No. 5852 -- Brown Walker - southeast side of Route 641, 450 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. Betty Jo Walker and Brown Walker were sworn in and testified that they propose to place a 1986 doublewide manufactured home on a permanent foundation; that there are manufactured homes on the adjacent lots; that they will place new siding and shutters on the manufactured home.

Harold Short was sworn in and testified that he owns a dwelling in the area; that he believes a manufactured home would decrease property values; expressed concerns regarding lot size being sufficient for a manufactured home and the removal of the existing manufactured home.

Motion was made by Mr. Mills, seconded by Mr. Callaway, and carried unanimously that the a special use exception be granted with the stipulation that the unit be a doublewide manufactured home on a permanent foundation and that the unit not be older than a 1986 and that the unit have new siding and shutters.

Case No. 5853 -- Thomas and Patricia Derrick - south side of Route One, 750 feet west of Route 275A.

A variance from the requirements for signs and a special use exception to place an off premise sign.

The case was presented by Mr. Betts. Lynn Rogers, representing the applicants, was sworn in and testified that the existing billboard is approximately thirty (30) years old; that the placement of a sign on the back of the billboard would improve the appearance; presented pictures of the billboard as it currently exists; that the sign would be leased.

Nina D. Cannata was sworn in and testified that she opposes the application; that the sign is existing; that it does not create a hardship; that she was speaking on behalf of Richard Anthony also.

Robert Aerenon was sworn in and testified that he represents owners of shopping center; expressed his concerns regarding the possibility of the sign reducing visibility; expressed his concerns regarding future expansion of the sign.

Andrew Aerenon was sworn in and testified that he opposes the application; that the sign would be lease not used for the Derrick's business; that the sign is non-conforming and should be allowed to deteriorate.

Motion was made by Mr. Mills, 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. Callaway, seconded by Mr. Wheatley, that the variance from the requirements for signs and the special use exception be granted, with Mr. Mills voting nay.

Four members voting in favor, one member voting against.

Case No. 5854 -- John Scott - east side of Route 431, 1/4 mile north of Route 20.
A special use exception to place a manufactured home on a medical hardship basis.

The case was presented by Mr. Betts. Nicole and John Scott were sworn in and testified that they propose to place a 14 X 70 manufactured home; that Mrs. Scott's grandmother resides in the existing manufactured home; that they will reside in the second manufactured home if approved.

There were no parties present in opposition.

Mr. Betts presented letters from two (2) physicians regarding the medical illnesses of Mrs. Scott's grandmother.

Motion was made by Mrs Hudson, seconded by Mr. Callaway, and carried unanimously to grant the special use exception for a period of two (2) years.

Case No. 5855 -- Arthur Bert Collins - southwest side of Route 474, 2,000 feet southeast of Route 9.
A variance from the minimum lot width requirement and 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. Arthur Bert Collins was sworn in and testified that he is requesting a 24.58' variance from the required 150' lot width; that there are two (2) manufactured homes in the area.

Arthur W. Collins was sworn in and testified that he proposes to place a single wide manufactured home on one lot; that the manufactured home will be approximately 14 X 70.

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 the 24.58' variance from the 150' lot width requirement be granted.

Case No. 5856 -- Tommy Hilfiger - south side of Route One, 1/4 mile north of Route 24.

A variance from the requirements for signs.

The case was presented by Mr. Betts. John T. Selby, representing the applicants, was sworn in and testified that they propose to place an additional sign on the tower; that they have one sign on the front and one sign on the tower; that if the application is approved they would have a sign on the front and on both sides of the tower.

Mabel Granke was sworn in and testified that sufficient advertising exists; that if there is a hardship it is self imposed; expressed concerns regarding possibility of accidents if traffic slows to read signs.

Nina D. Cannata testified that sufficient signs exist; there is no difficulty in reading current signs; that additional signs could create a distraction for motorists.

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 the variance be denied.

It was the consensus of the Board that the unique or irregular requirements were not met, that reasonable use exists, that any hardship was created by applicants.

Case No. 5857 -- Joan Patricia Shifflett - west side of Route 376, 850 feet north of Route 392.

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

The case was presented by Mr. Betts. Joan Patricia Shifflett was sworn in and testified that she proposes to place a 12 X 60 manufactured home for her mother to reside; that her mother currently resides with her; that her mother has medical illnesses; that there are dwellings on the adjoining properties.

Mr. Betts presented a letter from a physician in support of the medical hardship.

There were no parties present in opposition.

Motion made by Mrs. Hudson, seconded by Mr. Mills, and carried unanimously that the special use exception be granted for a period of two (2) years.

Old Business:

Case No. 5834 -- Eugene K. Byrd - east side of Route 62, 770 feet south of Route 421.

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 reviewed by Mr. Betts.

Motion was made by Mrs. Hudson, seconded by Mr. Callaway, that the special use exception be granted with the stipulation the unit be a doublewide manufactured home on a permanent foundation, finding it would not adversely impact the area, with Mr. McCabe abstaining.

Four members voting in favor, one member abstaining.

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 reviewed by Mr. Betts.

Motion was made by Mr. Mills, seconded by Mrs. Hudson, and carried unanimously that the special use exception be granted, finding it would not adversely impact the area.

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

Meeting adjourned 9:20 P.M.