

Minutes of November 7, 1994

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, November 7, 1994 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, Mrs. Hudson, Mr. Mills, Mr. Wheatley, Mr. Callaway, Mr. Jones-Attorney and Mr. Lank-Director.

Motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that the minutes of October 17, 1994 be approved as circulated.

Case No. 5497--Harry & Sheila Madairy and Teresa Rankin - At the intersection of Route One and Route 271, Lot E-28, within Sea Air Village.

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

The case was presented by Mr. Lank. Teresa Rankin was sworn in and testified, requesting a 6' variance from the 20' setback requirement between units to be 14', on Lot E-22, Sea Air Village. The applicants requested to replace a manufactured home with a new 14'x 70' manufactured home which is wider than the existing one. She testified that there are other units in the park with similar setbacks.

Sandra Stintsman, Park Manager and George Littleton, Maintenance Supervisor, were sworn in and testified in favor of the application. They feel it will upgrade the park.

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. 5498--Sandra Holleger - At the intersection of Route One and Route 271, Lot G-6, within Sea Air Village.

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

The case was presented by Mr. Lank. Sandra Stintsman, Park Manager, sworn in on Case No. 5497, represented this case. She stated that the applicant wishes to place a manufactured home with slide-out addition on Lot G-6, Sea Air Village. The slide-out addition will be closer to the unit on the next lot than is required. She requested a 4' variance from the 20' setback requirement between units to be 16'.

George Littleton sworn in on Case No. 5498 stated he had no problem with this case.

There were no parties present in opposition.

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

Case No. 5499--Raymond & Jane Chorman - Southwest side of Route 635, 600 feet northwest of Route 621.

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. Lank. Raymond & Jane Chorman were sworn in and testified, requesting to place a new 28'x 62' double-wide manufactured home on property for their use. They testified the manufactured home will have a permanent foundation, and there are other manufactured homes in the area.

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. 5500--Robert D. Smith - North side of Route 31, 1,350 feet east of Route 574.

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. Lank. Robert and Angeline Smith were sworn in and testified, requesting to place a 1995, 28'x 48' double-wide manufactured home on their property for their permanent residence. They stated there are other manufactured homes in the area.

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.

Case No. 5501--Earl S. Wells, Jr. - East side of Route 455B, 1,200 feet south of Route 64.

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

The case was presented by Mr. Lank. Earl Wells, Jr. and Barbara Workman were sworn in and testified. Mr. Wells requested to place a new 14'x 76' manufactured home on his mother's (Barbara Workman) property on hardship basis. Mr. Wells stated that his mother has a double-wide manufactured home on the property and he proposes to live in the requested manufactured home to be near his

mother and care for her. Mr. Wells stated that due to an automobile accident, his mother has problems with her back and legs. He fears that she may fall. He testified that there are other manufactured homes in the area.

Mr. Jones, Attorney, explained to the applicants that if approved they would have to reapply every two years as long as the hardship exists.

Mr. Lank referenced a letter dated, July, 1990 and Tidewater Physical Therapy material, in regards to Mrs. Workman's condition.

Tim Wilson was sworn in and testified, stating he is not opposed to the manufactured home, but questioned the manufactured home remaining on the property when the hardship ceases.

It was explained to Mr. Wilson that the manufactured home would have to be removed when the hardship ceases.

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 for a period of two (2) years on the basis of medical hardship.

Case No. 5502--Stella McKaney - North side of Route 501, at the intersection of Route 13A.

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

The case was presented by Mr. Lank. Stella McKaney and Robert McKaney were sworn in and testified, requesting to place a 1984-85, 14'x 70' manufactured home on Mrs. McKaney's property for her son Robert to live in and care for her and his 10 year old son. Mrs. McKaney lives on the property in a stick-built house. They testified that there are other manufactured homes in the area.

It was explained that if approved it would be for two years and must be reapplied for every two years and removed when the hardship ceases.

Mr. Lank read a letter from Mrs. McKaney's doctor referencing her condition.

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

Case No. 5503--Charles K. Covey - West side of private road, 150 feet north of Route 535.

A variance from the front yard setback requirement.

The case was presented by Mr. Lank. Charles Covey was sworn in and testified, requesting a 3.89' variance from the 40' front yard setback requirement for an addition to a commercial machine shop.

The addition lines up with the front of the existing building. The addition will double the size of the building. A new roof over all will be added. The new addition will be used for storage.

There were no parties present in opposition.

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

Case No. 5504--D. Allen Chorman - South side of Route 88, one mile southwest of Route One, Lot 32, within Overbrook Shores, Section I.

A variance from the side yard setback requirement.

The case was presented by Mr. Lank. Karen Emory Brittingham, with Charles Murphy, Surveyors, was sworn in and testified, representing Mr. Chorman. Mr. Chorman requested to be 1.04' and 2.05' from the side yard setback, on Lot 32, Overbrook Shores, Section I, for a proposed garage. The side yard setback requirement is 15'. The applicant requested a 13.6' and a 12.5' variance. The new garage will be used for storage and house a boat. It was stated that utility and drainage easements are required in the subdivision according to the plot.

There were no parties present in opposition.

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

At the conclusion of the public hearing, the Chairman referred back to this case. After some discussion, motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that the variances be granted.

Case No. 5505--James Lee McBroom - Northwest side of Route 44, at the corner of Route 614.

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. Lank. Karen Emory Brittingham sworn in on Case No. 5504 represented this application and cases 5506 and 5507. She asked that all of these cases be heard at the same time, since they are all located in the same area on different lots. The Board granted her request. Case No. 5505, 5506 and 5507 all requested to place manufactured homes on lands of Hattie McBroom as permanent residences. Case No. 5505, the manufactured home is existing as an on farm. Reducing the size of the lot, requires the applicant to obtain approval from the Board for it to remain. It will be on Lot 2. Case No. 5506 wishes to place a manufactured home on Lot 3, and may eventually put a stick built home on the property. They need to start with a manufactured home. Case No. 5507 wishes to retain their manufactured home on Lot 4, having been placed as an on farm previously, but reducing the size of the property requires Board approval. It was stated that the property is being subdivided for the children of Hattie McBroom. They also stated there are other

manufactured homes in the area.

There were no parties present in opposition.

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

Case No. 5506--David Lee McBroom - Northeast side of Route 614, 210 feet northwest of Route 44.

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

Karen Emory Brittingham sworn in on Case No. 5504, represented this case. This case and all testimony was incorporated with Case No. 5505 and 5507. The applicant wishes to place his manufactured home on less than five acres, being Lot 3, Hattie McBroom Lands.

There were no parties present in opposition.

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

Case No. 5507--Roger Dale McBroom - Northeast side of Route 614, 360 feet northwest of Route 44.

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

Karen Emory Brittingham sworn in on Case No. 5504, represented this case. This case and all testimony was incorporated with case No. 5505 and 5506. The applicant wishes to retain his manufactured home on less than five acres, being Lot 4, Hattie McBroom lands.

There were no parties present in opposition.

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

Case No. 5508--Glenn Phillips - West side of Route 501, 1,000 feet west of Penn Central Railroad.

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. Lank. Glenn Phillips was sworn in and testified, requesting to retain his manufactured home on less than five acres. A manufactured home has been on the property for 15 years on acreage. The property is being reduced to less than five acres and Board approval is needed. The property is being deeded by Mr. Phillips wife's grandmother. It was stated that there are other manufactured homes in the area.

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 be granted.

Case No. 5509--William Scott & Janet Purdy - South side of Route 472,  
900 feet east of Route 434A, Lot 20(S), within  
Trinity Meadows South.

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. Lank. William Scott Purdy and Janet Purdy were sworn in and testified, requesting to place a double-wide manufactured home on property they are purchasing for their mother's residence. The property being Lot 20(S) in Trinity Meadows South. The property will be joint ownership with them and their mother.

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 be granted.

Case No. 5510--Donald G. Meyer - South side of Route 24, 1,790 feet  
west of Route 461.

A variance from the side yard setback requirement.

The case was presented by Mr. Lank. Donald & Norma Meyer were sworn in and testified, requesting a 2'11" variance from the 10' side yard setback requirement on Lot 9, p/o 10 and Lot 79 & p/o 78, in Katie Watson Subdivision. The applicants propose to add a 28'x 20' garage to their home. The lot is narrow in width.

Mr. Lank read letters of support from Richard and Stacey Ward and James and Jennifer Caudell.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Callaway and carried unanimously that the variance be granted, due to the lot width.

Case No. 5511--Irvin Levin - South side of Route 277,  $\frac{1}{4}$  mile east of  
Route 24, Lot 34 and part of Lot 35, within  
Angola By The Bay.

A variance from the side yard setback requirement.

The case was presented by Mr. Lank. Irvin Levin was sworn in and testified, requesting a 2.78' variance from the 10' side yard on Lot 33, 34 and p/o 35 in Angola By The Bay. The applicant proposes to subdivide the property and leave Lot 33 vacant to be able to sell or do something with. Lot's 34 and p/o 35 has a house and other structures. The applicant will remove a carport and storage area. Mr. Levin stated there is no problem with Angola By The Bay Association.

There were no parties present in opposition.

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

OTHER BUSINESS

Case No. 5173--Richard K. & Judith Johnson  
Request for an extension.

Mr. Lank stated that a letter had been received from Mr. & Mrs. Johnson requesting a one year extension on their variance granted on November 5, 1993 by the Board. They stated personal reasons for their need for an extension.

Motion was made by Mrs. Hudson, seconded by Mr. Callaway and carried unanimously to grant a one (1) year extension to Case No. 5173.

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

Meeting adjourned at 8:05 P. M.