

Minutes of November 15, 1993

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, November 15, 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. 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 November 1, 1993 be approved as circulated.

Case No. 5220--Gladys R. Hurley Cashen - West side of Main Street, 420 feet north of Route 535, within Indian Village Subdivision.

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

The case was presented by Mr. Betts. Gladys Cashen was sworn in and testified, requesting to retain a manufactured home on property on medical hardship for her mother. The manufactured home was approved on Case No. 4566 and now needs to be renewed. Ms. Cashen testified that the situation is still the same as when she previously applied.

Mr. Betts read a letter from a doctor updating the applicant's mothers health.

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

Case No. 5221--Deron N. Rust - South side of Route 47, $\frac{1}{4}$ mile east of Route 321.

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. Deron Rust was sworn in and testified, requesting to place a 1992, 28'x 40' manufactured home on his property for his residence. Mr. Rust stated that his father's farmland adjoins his property. He stated that the unit is on the property, but not hooked-up. He will put the unit on a foundation.

Mr. Betts read a letter from J. Everett Moore, Jr. on behalf of his mother, Dorothy Moore who owns property in the area, voicing no objections.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Wheatley and carried unanimously that the special use exception be granted, finding that the use will not adversely affect the area.

Case No. 5222--Millsboro Auto Mart, Inc. - Southwest side of Route 113, 790 feet northwest of Route 82.

A variance from the requirements for signs.

The case was presented by Mr. Betts. Howard G. Wilson, Jr. was sworn in and testified, representing Millsboro Auto Mart, Inc., who requested a 75' variance from the 25' height limit for a sign to be 100'. The applicant proposes to fly a blimp 75' to 100' in the air with advertisement on it for his business. He stated that the blimp would not fly at night or in bad weather. The blimp will be 15' long and 4½' round. Mr. Wilson stated he does not feel it will be a traffic hazard. It will be used for special sales and promotion for approximately 75 days a year.

Mr. Betts stated that since the blimp will have an advertisement on it, it is considered a sign.

There were no parties present in opposition.

Motion was made by Mr. Mills, 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 Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the variance be denied, finding the use would have a negative impact on the surrounding area, the requirements for a variance had not been met per the Zoning Code and will have a safety impact on the area.

Case No. 5223--Marvin Morris - East side of Route 277, 900 feet north of Route 287.

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. Marvin Morris and Charles Johnson were sworn in and testified. Mr. Morris requested to place a 1985, 14'x 70' manufactured home on his property for Mr. Johnson to live in. Mr. Marvin Morris stated that Mr. Johnson will purchase the property if approved for the manufactured home. It was 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 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, finding the use will have no adverse

affect on the area and there are other manufactured homes in close proximity.

Case No. 5224--Kevin & Teresa McDaniel - West side of Route 565,
3,300 feet east of Route 113, Lot 3.

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. Kevin McDaniel was sworn in and testified, requesting to place a 1986, 28'x 64' double-wide manufactured home on property they are purchasing for their residence. Mr. McDaniel stated that the manufactured home will be put on a permanent foundation. It was stated that 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, finding the use will upgrade the area.

Case No. 5225--Richard & Mae Frances Piper - East side of Route 240,
one mile north of Route 238, off Village Drive.

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. Richard Piper and Anna Louise Tingle were sworn in and testified, requesting to place a manufactured home on Mr. Piper's property for Ms. Tingle to live in. She will not own the property. Ms. Tingle stated she wants to live in the manufactured home since her health will not allow her to go up and down steps in a home. She did not have a doctors letter.

Mr. Jones questioned Mr. Piper's property being under litigation.

Mr. Piper stated that some of his property is under litigation.

There were no parties present in opposition.

Motion was made by Mr. Callaway, seconded by Mr. Mills 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 Mrs. Hudson, seconded by Mr. Wheatley and carried unanimously that the special use exception be denied, finding that Ms. Tingle is not going to be the owner of the property.

Case No. 5226--James P. & Eileen McCall - North side of Route One,
1,000 feet northwest of Route 88.

A variance from the requirements for signs.

The case was presented by Mr. Betts. James McCall was sworn in and testified, requesting a variance from the 6 sq. ft. for a home occupation sign. The applicant had a home occupation sign for his office on his property, but purchased other property and moved the sign to it. The new location is zoned AR-1 and the previous property is zoned C-1. Since the present property is not commercial Board of Adjustment approval is needed. The sign is 24.67 sq. ft. and a 18.67 sq. ft. variance is needed. Mr. McCall stated the sign will not obstruct the view of anyone.

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, finding the use will not alter the essential character of the neighborhood.

Case No. 5227--Donald West - Northeast side of Route 472, at the intersection of Route 62.

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. Donald West was sworn in and testified, requesting to place a manufactured home (at least 14'x 70' in size) on property he is purchasing for his residence. He 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, finding that the use will not adversely affect the neighborhood.

Case No. 5228--Eileen Brooks - South side of Route 387A, $\frac{1}{4}$ mile south of Route 54.

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. Eileen Brooks was sworn in and testified, requesting to place a 12'x 65' or 14'x 70' manufactured home on her property for her residence. Mrs. Brooks stated that she intends to build a home on her property, but does not know when due to the health of her husband. She stated that the unit will be put to the rear of her property. She also stated that there are other manufactured homes in the area.

Mr. Betts read a letter of opposition from Rick Rowe opposing manufactured homes on less than five acres.

Leroy Lynch was sworn in and testified in opposition, stating he lives across the road and feels a manufactured home will depreciate the value of his home. He presented letters of opposition from Amanda Warrington, Jeffrey & Kathy Collins and Joshua & Viaetta Long. The letters were read into the record by Mr. Betts.

Lora Evans Hudson adjacent property owner was sworn in and testified in opposition, stating that the manufactured home will depreciate her property.

Motion was made by Mr. Callaway, seconded by Mrs. Hudson 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. Mills, seconded by Mr. Callaway and carried unanimously that the special use exception be denied, finding that the use will adversely affect the surrounding properties.

Case No. 5229--Pepper & Steiner, Inc. - East side of Route One, 100 feet north of Route 361A.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. William C. Pepper was sworn in and testified in behalf of the application. The applicants requested a 27' variance from the 40' requirement to place a 24'x 106' canopy over gas pumps, 24' being perpendicular along the highway. A store is to be built. A letter from Amoco was presented. Mr. Pepper stated that the canopy will not affect any vision and the use will upgrade the area.

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.

Case No. 5230--Decoy, Inc. - East side of Bunting Avenue, 50 feet south of Delaware Avenue, within the unincorporated part of Fenwick Island.

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

The case was presented by Mr. Betts.

Mr. McCabe, Chairman, turned the hearing over to Vice Chairman Wheatley.

Ron McCabe was sworn in and testified representing Decoy, Inc. who requested a 5' variance from the 10' side yard setback requirements and a 3' variance from the 10' rear yard setback requirement (which is the ocean), for a second level deck on a duplex. The present deck does not give much room and a larger deck is wanted. The deck will be extended over a shower. It will extend out 5' over a shower. Mr. McCabe stated that other buildings in the area extend out further than this structure.

Mr. Betts read letters of opposition from Vincent Lobo & Herla, William Bernardin, Joseph & Sandra Giuliani and Tanios Tannouse.

Vincent Lobo was sworn in and testified and presented a letter of opposition from Victoria Toensing & Joseph diGenova which was read

into the record by Mr. Betts. Mr. Lobo stated that all of the decks on the townhouses are the same. He feels if the applicants are permitted a variance a precedent will be set and everyone, including himself, will want the same thing. They do not want the view of the ocean blocked.

Mr. McCabe stated that he would ask for a variance from the side yard and not the rear yard (which is the ocean) if this would be agreeable to Mr. Lobo.

Mr. Lobo stated no objections to a side yard variance only, and also explained he does not oppose Mr. Doyle (Decoy, Inc.) only the rear yard variance.

Mr. McCabe retracted from the rear yard variance request and asked for the 5' variance from the side yard only.

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 hearings, the Vice Chairman referred back to this case. After some discussion, motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be tabled, with Mr. McCabe not participating. Vote 4-0.

OLD BUSINESS

Case No. 5207 (cont'd.)--George V. Brown - South side of Route 54, 50 feet northeast of Route 381, Lot 286, within Keenwick Sound Subdivision.

A variance from the front yard setback requirement.

Mr. Betts reviewed the case.

After some discussion, motion was made by Mr. Callaway seconded by Mrs. Hudson and carried unanimously that the case be tabled.

OTHER BUSINESS

Case No. 3969--Troop Associates

Request for an extension.

Mr. Betts stated that a letter from Jim Fuqua, Attorney had been received on behalf of Troop Associates requesting an extension on their case that was granted in 1989.

Motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that a one (1) year extension be granted for Case No. 3969.

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

Meeting adjourned at 8:23 P. M.