

Minutes of November 15, 1999

The regular meeting of the Sussex County Board of Adjustment was held Monday evening November 15, 1999, at 7:20 P.M., in the Council Chambers, County Administration Office Building, Georgetown, Delaware.

The meeting was called to order at 7:20 P.M., with Chairman Callaway presiding. The Board members present were: Mr. Callaway, Mr. McCabe, Mr. Wheatley, Mr. Mills, Mr. Hudson, Mr. Berl – Assistant County Attorney, Mr. Rickard – Chief Zoning Inspector and Ms. Jackson – Recording Secretary.

Motion by Mr. Mills, seconded by Mr. Wheatley that the Revised Agenda be altered to move the R.E. Pierson Construction Co. to the beginning of the meeting.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously to approve the Minutes of November 1, 1999 as circulated.

Motion by Mr. Wheatley, seconded by Mr. McCabe, and carried unanimously to approve the Revised Agenda as circulated.

Case No. 7005 – R.E. Pierson Construction Co. – east of Road 213, 1.2 miles north of Road 207.

A special use exception for an asphalt mixing/batching plant and aggregate crusher.

The Board members stated that they received a letter from Allen Schlabach.

Mr. Mills stated that the case should be tabled until the next meeting so that he could review the case. Motion was denied. Vote carried 4 – 1.

Mr. Callaway, Mr. Hudson, Mr. Wheatley, and Mr. McCabe were all concerned that the proposed use will substantially affect adversely the uses of adjacent and neighboring properties; that there was insufficient proof that necessary safeguards will be provided for the protection of water areas or surrounding properties and persons; that an industrial use in a primarily residential setting will likely result in decreased property values; that the suggested economic benefit to Sussex County does not outweigh the impact upon residents in the area; that significant additional truck traffic will be generated in an area and along roads not suited for such as use; that this particular property is zoned Industrial, placing a potentially hazardous use in that location is inconsistent with the health, safety and welfare of area residents; and that the actual uses of property in the area have been primarily agriculture and residential even though this site is zoned industrial.

Motion by Mr. Wheatley, seconded by Mr. McCabe, and carried unanimously that the special use exception be denied. Vote carried 4 – 0, with Mr. Mills abstaining.

Case No. 7006 – Alton White – west of Road 497, 250 feet north of Road 24.

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

Mr. Rickard presented the case and read a letter from John D. Routenberg M.D. dated January 21, 1999. Alton White was sworn in requesting to retain a manufactured home on a medical hardship basis for his mother- in- law, Angela Trigilia; and stated that he has installed sidewalks and has landscaped the land to look nice.

The Board found that no parties appeared in opposition to the application.

Motion by Mr. Wheatley, seconded by Mr. Mills, and carried unanimously that the special use exception be granted. Vote carried 5 – 0.

Case No. 7007 – Lynn Ann Amato – south of Route One, southeast side of Atlantic Avenue, Lot F-45, within Sea Air Mobile City Mobile Home Park.

A variance from the side yard and rear yard setback requirements and a variance from the separation requirement between units in a mobile home park.

Mr. Rickard presented the case. George Littleton was sworn in and testified on behalf of the applicant requesting a 7 foot side yard variance to meet the 20 foot between units and a 5 foot rear yard variance to meet the 20 foot between units for a deck. Mr. Littleton stated that the applicant was told by a contractor that a variance was not needed because it was not livable space.

The board found that no parties appeared in opposition to the application.

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

Case No. 7008 – Paraiso Motors – south of Road 20, across from Road 516 south.

A special use exception to use a manufactured home type structure for a sales office.

Mr. Rickard presented the case. Haniel Matos was sworn in and testified that the manufactured home is already on the property; that the year of the manufactured home is approximately a 1988 or 1989; that the property was a used car lot 5 to 6 years ago; and that the manufactured home will not be for living space.

John Brown was sworn in testifying against the application stating that there is limited parking; that there is no water and sewage; and that he is concerned for the environment because of oil spillage.

Julia Faya was sworn in testifying against the application stating that she lives behind the applicant; that she submitted pictures to the Board; that there has always been a water and sewer problem; that the property is for sale; and that the property is too small for a manufactured home.

Cherida Brown was sworn in testifying against the application stating that the applicant destroyed 2 trees; and that the manufactured home is too large.

Mr. Rickard recommended to the Board that the zoning inspector research the property further.

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously that the special use exception be tabled until the next meeting. Vote carried 5 – 0.

Case No. 7009 – Robert D. Roach – northwest of Route 36, intersection of Road 205.

A variance from the rear yard setback.

Mr. Rickard presented the case. Robert Roach was sworn in and testified that his driveway is already established; that the neighbors are not in opposition; and that he will be storing his camper, boat and trailers in the building.

The Board found that there were no parties in opposition to the application.

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

Case No. 7010 – Reginald A. and Nancy Miller – north of Route 24, 366 feet east of private road and 700 feet west of Road 305.

A variance from the front yard setback requirement.

Mr. Rickard presented the case. Reginald and Gerald Miller were sworn in and testified that they would like to replace a 14 x 70 manufactured home with a modular home; and that they are trying to maintain the side and rear yard setbacks.

The Board found that no parties were present in opposition.

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

Case No. 7011 – Patty and Thomas B. Derrick – south of Route One, 75 feet west of Road 275-A.

A variance for a second wall sign.

Mr. Rickard presented the case. Patty and Thomas Derrick were sworn in and testified that they are requesting a variance for a second wall sign. Mr. Rickard stated that he has been on the site; that there is enough room on the site for an additional wall sign; and that it would not exceed the square footage.

The Board found that no parties were present in opposition.

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

Case No. 7012 – Atlantic Cellular - southwest of Route One, 983 feet northwest of Road 283.

A variance for a second wall sign.

Mr. Rickard presented the case and stated that he has been on the site. Larry Holding was sworn in on behalf of the applicant and stated that the sign that was originally on the front of the building was relocated to the south side of the building; that the size of the wall is a 16 x 30; and that the size of the proposed second wall sign is a 4 x 12.

The Board found that no parties were present in opposition.

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

Case No. 7013 – George J. and Rosemary R. Faulkner – south of Road 22, south of Grove Circle, Lot 27, within White House Beach Mobile Home Park.

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

Mr. Rickard presented the case. George Faulkner was sworn in and testified that he is requesting a 3'3" variance from the separation requirement between units; that the home has already been placed; and that Hudson Homes placed the manufactured home for him.

Mr. Richard stated that White House Beach has problems finding the property lines because it is such a old mobile home park.

The Board found that no parties were present in opposition to the application.

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

Case No. 7014 – Josephine E. Maclaine – east of Road 228, 1,250 feet north of Road 38.

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

Mr. Rickard presented the case. Josephine Maclaine was sworn in and testified that she is requesting to place a manufactured home on a medical hardship basis. Mr. Rickard read a letter from Harvey Mast M.D. Josephine Maclaine stated that 2 years ago the manufacturer home was approved for a medical hardship to her grandmother; that her father is ill; and that she would like her father to live in the same manufactured home.

The Board found that no parties were present in opposition to the application.

Motion by Mr. Wheatley, seconded by Mr. McCabe, and carried unanimously that the special use exception be granted for a period of 2 years. Vote carried 5 – 0.

Old Business

Case No. 6985 – Dyer McCrea Ventures L.L. C. – northeast of Road 299, 800 feet southeast of Road 298.

A special use exception for an assisted living facility, convalescent home, and adult day care center.

Mr. Berl stated that he had talked to Mr. Lank about the public hearings on the RPC; that the HR-RPC was approved by the County Council with stipulations; that there is no adverse affect on adjacent properties; that the use is consistent with other uses in the RPC; and that there were no parties in opposition to the application.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the special use exception be granted. Vote carried 5 – 0.

Case No. 6704 – Country Rest Homes, Inc. – east of Route One, corner intersection Road 206 south.

A special use exception for an assisted living facility.
REQUEST TIME EXTENSION

Mr. Rickard read a letter from Mark Yoder, Jr., dated September 8, 1999, requesting a time extension for 1-year for Country Rest Homes, Inc.

Motion by Mr. McCabe, seconded by Mr. Wheatley, and carried unanimously that the request for a 1-year time extension be granted. Vote carried 5 –0.

Meeting Adjourned 8:40 P.M.

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Meeting Adjourned 8:40 P.M.