

Minutes of December 6, 1999

The regular meeting of the Sussex County Board of Adjustment was held Monday evening December 6, 1999, at 7:00 P.M., in the Council Chambers, County Administration Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 P.M., with Chairman Callaway presiding. The Board members present were: Mr. Callaway, Mr. McCabe, Mr. Wheatley, Mr. Mills, Mr. Hudson, Mr. Schrader – Assistant County Attorney, Mr. Rickard – Chief Zoning Inspector and Ms. Jackson – Recording Secretary.

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

Motion by Mr. Mills, seconded by Mr. Wheatley, and carried unanimously to approve the Minutes of November 15, 1999 as circulated.

Mr. Schrader read a statement explaining how the Board of Adjustment meeting is conducted and the procedures for hearing the cases.

Case No. 7015 – Oneida Justice – west of Road 362, 2, 200 feet north of Road 363.

A variance from the side yard setback requirement.

The case was withdrawn prior to the meeting.

Case No. 7016 – Clifford and Ellen Todd – east of Route 16, west of Bayshore Drive, Lot G-3, Old Inlet Beach.

A variance from the side yard setback requirement.

Mr. Rickard presented the case. Clifford Todd was sworn in and testified requesting a 5 foot variance from the required 10 foot side yard setback requirement for an open deck, and stated that the open deck has already been built.

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 variance be granted. Vote carried 5 – 0.

Case No. 7017 – James G. Hudson and Greig M. Stewart – northeast of Route One, southeast of Terrace Road, Lots 16 and 17, Block C, within Silver Lake Manor.

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

Mr. Rickard presented the case. Barbara O'Leary was sworn in and testified on behalf of the applicants requesting a 1.20 foot variance from the required 5 foot side yard setback requirement and a .70 foot variance from the required 5 foot rear yard setback requirement. Barbara O'Leary stated that the previous owner was Mae Clark; that she had owned the property since 1969; that the home and the garage were built in 1970; and that a certificate of compliance was issued in 1971.

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. 7018 – Parker Enterprises Ltd. – north of Route 9, 1.530 feet northeast of Wilkins Avenue.

A variance from the front yard setback requirement for display items.

Mr. Rickard presented the case. David Parker was sworn in and testified requesting a 35 foot variance from the required 40 foot front yard setback requirement for display items. David Parker stated that there is a pool on display now; and that there will only be one (1) pool at a time displayed on the property.

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

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

Case No. 7019 – Celeste and John Valliant – south of Route 54, north side of Garfield Avenue, Lot 35, within Edgewater Acres.

A variance from the rear yard setback requirement.

Mr. Rickard presented the case. Celeste Valliant was sworn in and testified requesting a 8.2 foot variance from the required 20 foot rear yard setback requirement for a screen porch; that she relocated a dwelling to Edgewater Acres with an attached screen porch on the rear of the home; and that Mike Milligan, Planning and Zoning Inspector, gave her an average for the front yard setback.

Charles Phillips, President of the Homeowners Association, was sworn in and stated that he is in favor of the application.

Steve and Louise Kotula were sworn in and stated that they are not in opposition to the application, but they did not understand the procedures of obtaining a permit.

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 variance be granted. Vote carried 5 – 0.

Case No. 7020 – Zela Holston – east of Road 321, 330 feet northwest side of Anne Street, lot 48, Section II, within Piney Grove Manor.

A variance from the side yard setback requirement.

Mr. Rickard presented the case. Zela Holston was sworn in and testified requesting a 5 foot variance from the required 10 foot side yard setback requirement for a proposed family room and garage. Zela Holston submitted a plot plan to the Board, and stated that there were no restrictions in the covenants.

The Board found that no parties appeared 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. 7021 – Julius Poali – east of Route One, ¼ mile southeast of Road 283.

A variance from the sign requirements for a second ground sign.

Mr. Rickard presented the case and read a letter from William Moore, Attorney, requesting a continuance on the hearing stating that he could not attend the hearing because of an injury and that the applicant could not attend the hearing because of a diabetic condition.

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

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the variance be denied because there was no representation. Vote carried 5 – 0.

Case No. 7022 – William Buchanan and Buchanan Dev., Inc. – east of U.S. Route 113, adjacent to Road 407.

A variance from the corner side yard setback requirement.

Mr. Rickard presented the case. Charles Adams, Jr. was sworn in on behalf of the applicant requesting a 9.5 foot variance from the required 15 foot corner side yard setback requirement for a 28x28 garage.

The Board found that no parties appeared 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. 7023 – CSC Real Estate Services – north of Route 26, intersection Route 17, part of Lot 5, within Holts Acres.

A special use exception from sign requirements for billboards.

Mr. Rickard presented the case. Larry Holding was sworn in on behalf of the applicant and Rogers Sign Company requesting to add a second side on the back of an existing two sided 12x24 billboard; and that the billboards will remain where they are and will be lined up toward the road so they can be visible from both sides.

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 special use exception be granted. Vote carried 5 – 0.

Case No. 7024 – CSC Real Estate Services – north of Route 26, intersection Route 17, part of Lot 5, within Holts Acres.

A special use exception from sign requirements for billboards.

There was a consensus of the Board that the record of this Case was the same as Case No. 7023.

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

Case No. 7025 – Beverly I. Saylor – north of Road 329, 70 feet west of Road 469.

A special use exception to use a manufactured home type structure as a storage structure and workshop.

Mr. Rickard presented the case. Beverly Saylor was sworn in and testified requesting to use a manufactured home type structure as a storage structure or workshop; that she has removed the appliances; that she painted the structure the same color as the main dwelling; and that she was violated by Planning and Zoning.

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

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

Case No. 7026 – Boardwalk Builders, Inc. – southwest of Route One, 371 feet south of Bay Road, Lots 7 & 8.

A variance from sign requirements.

Mr. Rickard presented the case. Patricia McDaniel was sworn in and testified that she is a new tenant of the building; that the sign is an existing 36"x 72" sign on the north side of the building; and that the sign had been there for a while.

Mr. Rickard read a letter from Daniel G. Anderson, dated November 2, 1999 in favor of the application.

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

Case No. 7027 – Andrea F. and Margaret S. Andrus – east of Atlantic Street, 150 feet east of Washington Street, Lot 19, within Washington Heights.

A variance from the rear yard setback requirement.

Mr. Rickard presented the case. Margaret Shaw was sworn in and testified requesting an 8 foot variance from the required 10 foot rear yard setback requirement for an existing 8x10 structure.

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

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be granted for the existing structure, but not for any new structures. Vote carried 5 – 0.

Case No. 7028 – Betty Breeden – east of Road 278, east of Buttercup Avenue, Lot G-47, within Angola Beach Mobile Home Park.

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

The Board found that no one was present on behalf of the application.

Samuel Schlagel was sworn in opposition to the application. Samuel Schlagel stated that Angola Beach Park has a restriction of maintaining 20 feet between units; that Mrs. Breeden has an existing addition that is in compliance with the restriction; and that the proposed porch addition would not comply.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be denied because there was no representation. Vote carried 5 – 0.

Case No. 7029 – David J. and Patricia R. Butcher – northwest of Road 524, 1 ½ miles southwest of Road 46, Lot 6, within Hill Farms.

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

Mr. Rickard presented the case and read a letter from Dr. David Long. Patricia Butcher was sworn in and testified requesting to place a 24x52 manufactured home as a medical hardship for her mother, Marie Dunbar; that the year of the manufactured home is a 1973; and that manufactured home will have the same color siding as the existing home.

Mr. Rickard read a letter from Mrs. Butchers' neighbors, Jim and Jean Vieau in favor of the application.

The Board found that no parties appeared 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 two (2) years. Vote carried 5 – 0.

Case No. 7030 – Ocean Atlantic Associates III, LLC – northeast of Route One, intersection of Road 273.

A special use exception for a billboard.

Mr. Rickard presented the case. Robert Healy was sworn in on behalf of the applicant. Mr. Healy submitted a site plan to the Board, and stated that the billboard would be placed 300 feet from the intersection of Route One and Road 273.

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

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

Old Business

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 stated that he went to the site and that he did not see any problems with the property. Mr. Mills stated that it is a congested area; that the cars would encroach the setback requirements; and that it would result in future variances.

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

Meeting Adjourned 8:40 P.M.