

Minutes of December 21, 1992

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, December 21, 1992 in the County Council Chambers, Room 115, Courthouse, Georgetown, Delaware.

The meeting was called to order at 6:57 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. Callaway and carried unanimously that the minutes of December 7, 1992 be approved as circulated.

Case No. 4969--Harold T. & Bonnie B. Holland - South side of Route 54, $\frac{1}{4}$ mile west of Route One, Lot 6, within Mason-Dixon Trailer Park.

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

The case was presented by Mr. Betts. Harold & Bonnie Holland were sworn in and testified, requesting a 1' variance from the 20' setback requirement between units to be 19', on Lot 6, within Mason-Dixon Manufactured Home Park. The applicants testified that they are replacing a 10'x 50' manufactured home with a 14'x 60' manufactured home and a 1' variance is needed on each side. The applicants stated that the variance had been approved by the park prior to this hearing.

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. 4970--Robert Davis - East side of Route 516, $\frac{1}{2}$ mile south of Route 526.

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 Davis was sworn in and testified, requesting to place a manufactured home on property to be deeded to him for his permanent residence. The unit will be a new 28'x 60' double-wide. The lot will be 100'x 300' in size. He testified that there are other manufactured homes in the area, the nearest approximately 300' away.

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. 4971--Maryann Rose - West side of Route 113, $\frac{1}{4}$ mile south of Route 432, Lot 3, within Stockley Manor.

A variance from the side yard setback requirement.

The case was presented by Mr. Betts. Maryann Rose & Dale Rose were sworn in and testified, requesting a 3'7" variance from the side yard setback of 15' for an existing house, and a 4'1" variance from the 15' side yard setback requirement for an existing garage. The unattached garage is 24'x 30' which is over 600 square feet in size and has to maintain a 15' side yard setback. The applicants testified that they purchased the property in 1989. The house was built in 1985. They had the property surveyed to be resold and the encroachments were discovered. There had been two lots which were separated.

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. 4972--Richard G. Schirner - East side of Route 434, 500 feet south of Route 448.

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

The case was presented by Mr. Betts. Richard Schirner was sworn in and testified, requesting to place a 14'x 70' manufactured home on property he is purchasing (under sales contract), on medical hardship basis. The applicant proposes to purchase a parcel of land with a double-wide manufactured home on it. He requests to place the second manufactured home as a residence for his 85 year old mother who needs someone near to care for her. There is an existing shed and dog run that Mr. Schirner plans to move to make room for the second manufactured home on the property. The existing manufactured home is 24'x 35' or 40' in size. Mr. Schirner will live in the double-wide.

Mr. Betts read a letter from a doctor referencing Mr. Schirner's mother's health.

Helen F. Lowden and William S. Lowden were sworn in and testified in opposition, stating they live on adjacent property. Mr. Lowden presented a petition in opposition, with signatures of neighbors in the area. Mr. & Mrs. Lowden feel the applicants proposed property is too small for two manufactured homes to be placed on. A plan was shown and explained as to what is on the property. They also feel there would be enough room for the applicants mother to live in the double-wide with Mr. Shirner. Mr. & Mrs. Lowden also feel the manufactured home will devalue their property.

By a show of hands there were 8 people present in opposition.

Mr. Jones, Attorney, read the petition of opposition presented and referenced 26 signatures.

Mr. Schirner explained that there is a large family living with him now, mother, mother-in-law, 2 sons, he and his wife. He stated that someone would stay at night and sleep in the manufactured home with his mother, so she would not be alone. He proposes to fix up and re-do the double-wide manufactured home that exists on the property.

Charles F. Shamber was sworn in and testified in opposition, stating the use will over burden the property, be an eyesore and be too cluttered. He feels the applicant could add on to the double-wide manufactured home to provide adequate space for his mother.

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 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 if someone sleeps in the manufactured home with the applicant's mother it is no longer a medical hardship to him.

Case No. 4973--H. Christine Walker - West side of Old Country Road
(Route 272B), 613 feet south of Route One,
Lot 41, within Pine Bay Section of Country
Manor.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Christine Walker was sworn in and testified, requesting a 3'6" variance from the front yard setback of 30' on Lot 41, in Pine Bay Sec. of Country Manor. The applicant stated she purchased the property which has wetlands adjacent to it. Her home was plotted and framing of the house done, to complete the stoop/porch a variance is needed. She requested a 2½' variance rather than the 3'6" variance asked for. A survey redone shows the depth of the lot shorter. Plans of what the dwelling will look like was shown.

Mr. Betts read a letter of opposition from Shirley and John F. Gerhold, into the record.

The applicant stated she chose not to move the dwelling back on the property because of the wetlands. She moved the dwelling forward.

Bill Breadis, builder, was sworn in and testified in behalf of the request, stating that the lot is odd shaped and without the variance it will destroy the looks of the dwelling. He stated that there had been another variance in the development granted greater than this request. He stated that the wetlands take 20' out of the rear of the property. It was stated that the developer is not opposed to the variance.

Ms. Walker stated that the Homeowners Association had told her to apply for the variance. She feels they will approve her request.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, 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 Mr. Mills, seconded by Mr. Callaway and carried unanimously that the variance be granted, due to the odd shape of the lot and encroachment of wetlands.

Case No. 4974--Andre Burbage - Northwest side of Route 532, 1,900 feet northeast of Route 13.

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

The case was presented by Mr. Betts. Andre Burbage was sworn in and testified, requesting a 10' variance from the 15' side yard setback requirement and a 15' variance from the 20' rear yard setback requirement for an unattached garage that is 624 square feet in size. The garage exceeds the 600 square foot requirement for an accessory structure to be less than 15' from the side yard property line and 20' from the rear yard property line. The property being Lot 3, within Bryan Park. The applicant stated that he built the garage larger than the 24'x 20' garage he planned to build. He added a small storage room to the garage that put the garage over 600 square feet. He testified it would be a task to remove the room addition that is on a concrete pad.

Matthew Harmon was sworn in and testified in opposition, stating he lives in the development to the rear of the applicants property. He feels the garage is too close to his dwelling.

John Tindall was sworn in and testified that he lives beside the applicant. He questioned whether he could put a fence and building on his property without any problems with Mr. Burbage's garage being closer to the property line. He stated that he would not object if the applicant removed the small building. He also stated that he was not in opposition, just had questions.

David Vollmer was sworn in and testified he has a residence across the street. He is concerned about continued granting of variances. He doesn't want a precedent to be set. He stated he is not opposed just concerned.

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 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 granted.

Case No. 4975--Alfred, Jr. & Victoria Thompson - South side of Route 535, 208 feet northeast of Route 13.

A variance from the height requirement for a fence.

The case was presented by Mr. Betts. Alfred Thompson, Jr. was sworn in and testified, requesting a 3½' variance from the 3½' fence height, for a fence in the front property. The applicant proposes to put a 7' fence on the property for security and privacy. The applicants testified that there have been problems with a rental property next door and they need the fence to be higher than 3½'. The fence will be placed 10' in from the front property line for traffic view. The fence will be wood and metal and look the same on both sides.

There were no parties present in opposition.

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

OLD BUSINESS

Case No. 4960 (cont'd.)--North Ocean City Limited Partnership -
south side of Route 54, at Jefferson
Avenue.

A special use exception to use a manufactured home as a temporary real estate office.

Mr. Betts reviewed the case.

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

Case No. 4961 (cont'd.)--Peter A. Eckert - Northwest side of Route
594, 1,200 feet southwest of Route 591.

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

Mr. Betts reviewed the case.

He stated that the 50' right-of-way is a recorded right-of-way.

After some discussion, motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that the special use exception be granted on the basis of hardship for a period of two (2) years.

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

Meeting adjourned at 8:06 P. M.