



BOARD OF ADJUSTMENT

AGENDAS & MINUTES

MINUTES OF DECEMBER 19, 2011

The regular meeting of the Sussex County Board of Adjustment was held on Monday, December 19, 2011, at 7:00 p.m. in the County Council Chambers, County Administrative 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. Dale Callaway, Mr. Ronald McCabe, Mr. John Mills, Mr. Brent Workman, and Mr. Jeff Hudson, with Mr. Richard Berl – Assistant County Attorney, and staff members, Ms. Kelly Passwaters – Zoning Inspector, and Mrs. Jennifer Norwood – Recording Secretary.

Motion by Mr. McCabe, seconded by Mr. Workman, and carried unanimously to approve the Revised Agenda as circulated. Vote carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of December 12, 2011 as circulated. Vote carried 5 – 0.

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

PUBLIC HEARINGS

Case No. 10911 – Buddy Associates, LLC – southeast of Graves Lane, 442 feet southeast of Road 48.

A variance from the front yard setback requirement.

Ms. Passwaters presented the case. Shannon Carmean, Attorney, was present on behalf of the Applicant, and testified requesting a 5.7-foot variance from the required 30-foot front yard setback requirement for an existing dwelling; that the dwelling was built in 2008; that a Certificate of Compliance was issued for the dwelling; that the cul-de-sac was never created by the developer; that the cul-de-sac only exists on paper; that the current owner discovered the encroachment due to a recent survey; that it was not created by the Applicant; that the property is unique due to the cul-de-sac; that it cannot be otherwise developed; that it will not alter the character of the neighborhood; and that it is the minimum variance to afford relief.

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

Motion by Mr. McCabe, seconded by Mr. Workman, and carried unanimously that the variance be **granted since it will not alter the character of the neighborhood**.
Vote carried 5 – 0.

Case No. 10912 – Roberta Hagen – east of Route 16 (Broadkill Road) west of Bayshore Drive, thru lot of Striper road and Flounder Avenue, being Lots 1-4 Block E, Section 1 within Broadkill Beach development.

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

Ms. Passwaters presented the case. Gordon and Roberta Hagen were sworn in and testified requesting a 2.7-foot variance from the required 15-foot side yard setback requirement for an existing deck and a 7.5-foot variance from the required 30-foot front yard setback requirement for an existing shed; that they purchased the property in April 2011; that the previous owner constructed the dwelling and deck without the Certificate of Compliances ever being issued; that Flounder Road and Striper Road are not developed; that the surrounding lots have wetland restrictions and will not allow any construction; that it will not alter the character of the neighborhood; and that they understand building permits must be obtained for the deck and shed.

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

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variances be **granted since it meets the standards for granting a variance**. Vote carried 5 – 0.

Case No. 10913 – Ernest and Lynda Castagna – north of Route 54 northwest of Mallard Drive, being Lot 62 within Swann Keys development.

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

Ms. Passwaters presented the case. Ernest and Lynda Castagna were sworn in and testified requesting a 4.8-foot variance from the required 10-foot side yard setback requirement for a proposed porch and a 1.4-foot variance from the required 10-foot front yard setback requirement for an existing manufactured home; that the proposed porch will measure 8'x 12'; that they purchased the lot in 2001; that they replaced the manufactured home in 2005; that the proposed porch will allow easier access to the unit; that the steps will not encroach any further into the setbacks; that the proposed use is not detrimental to the adjacent neighbor; that they submitted a letter in support of the application; and that it is the minimum variance to afford relief.

Ms. Passwaters stated that the office received 1-letter in support of the application.

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

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

Case No. 10914 – Ten Pin, LLC., c/o Christian Hudson – northeast of Route 24 (John J. Williams Highway) approximately 1,360-feet east of Plantations Road.

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

Ms. Passwaters presented the case. Tim Willard, Attorney, was present on behalf of the Applicant, with Christian Hudson, Ken Christenbury and Mike Sabatoni were sworn in and testified requesting a special use exception to place a temporary manufactured home type structure for a sales office; that the proposed unit will be used a temporary sales office for all of Ryan Homes Sussex County developments; that the proposed unit will measure 24'x 60'; that there will be adequate parking provided; that they have all agency approvals; that the unit will provide easier access to prospective buyers to see what Ryan Homes has available in the County; that the hours of operation will be 10 a.m. to 6 p.m., Monday thru Friday and 11 a.m. to 6 p.m. on Saturday; that there will be one ground sign; and that the use will not substantially affect the uses of the neighboring properties.

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

Motion by Mr. Hudson, seconded by Mr. Mills, and carried unanimously that the special use exception be **granted for a period of five (5) years since it meets the standards for granting a special use exception**. Vote carried 5 – 0.

Case No. 10915 – Cameron Fitzgerald – west of Road 285 (Beaver Dam Road) approximately 1,900 feet north of Road 285 (Hopkins Road).

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

Ms. Passwaters presented the case. Cameron Fitzgerald and Casey Brown were sworn in and testified requesting a 5-foot variance from the required 15-foot side yard setback requirement and a 5-foot variance from the required 20-foot rear yard setback requirement for a proposed detached garage; that the proposed garage will measure 28'x 28'; that they purchased the property in 2010; that the location of the existing dwelling and oak trees prevent them from building an attached garage or meeting the required setbacks for the proposed garage; that they have planted trees along the property line; that it will not alter the character of the neighborhood; and that it is the minimum variance to afford relief.

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

Motion by Mr. Workman, seconded by Mr. McCabe, and carried unanimously that the variances be **granted since it will not alter the character of the neighborhood and since it is the minimum variance to afford relief**. Vote carried 5 – 0.

OLD BUSINESS

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Case No. 10910 – Moheb Bashandi – northeast corner of Millsboro Highway and Boblin Court.

A variance from the side yard setback requirement.

The Board discussed the case which has been tabled since December 12, 2011.

Motion by Mr. Workman, seconded by Mr. McCabe, and carried unanimously that the variance be **granted since it will not alter the character of the neighborhood and since it is the minimum variance to afford relief**. Vote carried 5 – 0.

Meeting Adjourned 7:50 p.m.