



Board of Adjustment

Agendas & Minutes

MINUTES OF APRIL 16, 2007

The regular meeting of the Sussex County Board of Adjustment was held on Monday evening, April 16, 2007, 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 Mrs. Melissa Thibodeau, Mrs. Jennifer Norwood, Ms. Kelly Eaton – Recording Secretary.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Agenda. Vote carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of April 2, 2007 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. 9806 – Carl A. Lynn- Route 54, south of Swann Drive, being Lot 10 within Swann Keys development.

A variance from the side yard setback requirement.

Mrs. Thibodeau presented the case. Carl A. Lynn was sworn in and testified requesting a 2-foot variance from the required 10-foot side yard setback requirement; that there is an existing walkway; that the applicant would like to enclose the walkway and heat it so he would no longer have to access through the bedroom; and that he submitted pictures.

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. 9807 – Holland Mills Development, L.L.C – south of Road 260, 1.5 miles west of Hudson Road, within Holland Mills development.

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

Mrs. Thibodeau presented the case. Scott Dailey was sworn in and testified requesting a special use exception to use a manufactured home type structure as a sales office; that the sales trailer will measure a maximum size of 12' x 30'; that it will not be open during the evenings; that it will be professionally landscaped; that there will be no kitchen or cooking facilities; and that the manufactured home will be moved once a model home is built.

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

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the special use exception be **granted for a period of one (1) year since it will not alter the character of the neighborhood.** Vote carried 5 – 0.

Case No. 9808 – Darrin and Sheila Davis- north of Road 636, 1240 feet northwest of Road 637.

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

Mrs. Thibodeau presented the case. Darrin Davis was sworn in and testified requesting a special use exception to place a manufactured home on a medical hardship basis; that the medical hardship is for his mother Mary Davis; that the manufactured home is a 1993 singlewide; and that it measures 16' x 70'.

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 special use exception be **granted for a period of two (2) years.** Vote carried 5 – 0.

Case No. 9809 – Phyllis M. Drucino-Stiltner- north of Road 349, west of Trenton Street, being Lot 39, Section D within Banks Acres development.

A variance from the side yard setback requirement.

Mrs. Thibodeau presented the case. Charese Jaokomowski was sworn in and testified requesting a 2-foot variance from the required 15-foot side yard setback requirement; that the lot is irregular shaped; that the mobile home measures 14' x 70'; and that the encroachment was discovered when a survey was done.

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

Motion by Mr. McCabe, seconded by Mr. Hudson, 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.

Case No. 9810 – R. Jerrold and Camille White-Partain- west of Alda Lane Extended, south of Hassell Avenue, being Lot 74 within Bay View Park development.

A variance from the side yard setback requirement.

Mrs. Thibodeau presented the case. R. Jerrold White-Partain was sworn in and testified requesting a 0.4-foot variance from the required 10-foot side yard setback requirement and a 1.3-foot variance from the required 10-foot side yard setback requirement; that the applicant would like to elevate the home to eliminate water and mold problems; that the home would be elevated vertically; and that the applicant was not aware of the violation until recently.

Dick Fox was sworn in and testified in opposition to the application; that he is the President of the Homeowners Association; and that the Homeowners Association opposes all variances.

By a show of hands 1 party appeared in opposition to the application.

By a show of hands 1 party appeared in support of the application.

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

Case No. 9811 – Craig W. and Nancy N. Stanley- southwest of Road 48, north of Road 279, being Lot 6 within Rawlins manor development.

A variance from the side yard setback requirement.

Mrs. Thibodeau presented the case. Craig Stanley was sworn in and testified requesting a 4.4-foot variance from the side yard setback requirement; that the applicant wants to add two bedrooms that measure 14' x 14' each; that it is too expensive to built up; that the septic tank is located in the back yard; and that the neighbors do not object.

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 variance be **granted since it meets the standards for granting a variance**. Vote carried 5 – 0.

Case No. 9812 – George Lockerman- south of Road 14, north of Route One.

A special use exception to retain a manufactured home for storage purposes.

Mrs. Thibodeau presented the case. George Lockerman was sworn in and testified requesting a special use exception to retain a manufactured home for storage purposes; that the mobile home will be used for storage only; that the mobile home has no bathroom, cooking facilities or electric; and that it will be used to store his mothers furniture.

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

Motion by Mr. Hudson, seconded by Mr. Workman, and carried unanimously that the special use be **granted since it will have no substantial effect to the neighborhood**. Vote carried 5 – 0.

Case No. 9813 – John Dupont and Mimi Schlag Dupont- south of Pine, west of Holly Road, being Lot 12, Block A, Section 2 within Keen Wik development.

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

Mrs. Thibodeau presented the case. Mimi Schlag Dupont was sworn in and testified requesting a 5.8-foot variance from the required 30-foot front yard setback requirement and a 2.5-foot variance from the required 10-foot side yard setback requirement; that her sister, Katherine Schlag, would like to expand the master bedroom and bathroom; that she would like to improve the utility room; that she would like to replace the front porch; that the Homeowners Association supports the application; and that the neighbors support the application.

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 variances be **granted since it will not alter the character of the neighborhood**.
Vote carried 5 – 0.

Case No. 9814 – Theresa Brady- south of Road 277, west of Linden Lane, being Lot 24, Block Q, Section III within Angola By The Bay development.

A variance from the rear yard setback requirement.

Mrs. Thibodeau presented the case. Theresa Brady was sworn in and testified requesting a 6.4-foot variance from the required 20-foot rear yard setback requirement; that she would like to build a porch that extends into the rear yard setback; that the Homeowners Associations supports the application; that the neighbors support the application; and that the rear yard is adjacent to the common area in the development.

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

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

Case No. 9815 – James D. Parker- southwest of Road 409, southeast of Road 410.

A variance from the minimum lot width requirement for a parcel.

Mrs. Thibodeau presented the case. James Parker was sworn in and testified on behalf of Marshall and Eleanor Lewes requesting a 33.3-foot variance from the required 150-foot lot width requirement for a parcel; that the lot will continue to meet the ¾ Acre standard; that it will take a standard septic; that the lot would have deed requirements; that the applicant received Del Dot approval; and that the neighbors support the application.

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

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

Case No. 9816 – Vineyard Communities, LLC- north of Route 9, 3,700 feet southwest of Route One.

An 18' variance from the maximum height requirement and an 18' variance from the front, side and rear yard setback requirements.

Mrs. Thibodeau presented the case. Jeff Clark was sworn in with Jim Fuqua, Attorney, present on behalf of the application, and testified requesting an 18-foot variance from the required 42-foot maximum height requirement and a 18-foot variance from the front, side and rear yard setback requirements; that the land contains approximately 82 acres of land; that the property is zoned C1; that it will be used for an activity center community consisting of residential, retail and service business, recreation and entertainment; that it will consist of mixed use buildings with commercial use on the first floor and residential use on the second floor; that the maximum height of any building in the development will not exceed 60-feet; that all mixed use buildings would increase the rear and side yard setbacks by 18-feet; and that several handouts were submitted.

Linda Best was sworn in and testified in opposition to the application and stated that the billboards currently on that property are encroaching her property; that she was in question on whether they had enough land for this project; and that the road would need to be extended.

By a show of hands 1 party appeared in opposition to the application.

Mrs. Thibodeau stated that the office received 7 letters in support of the application.

Motion by Mr. Workman, seconded by Mr. Hudson, and carried unanimously that the case be taken under advisement. Vote carried 5 – 0.

At the conclusion of the public hearings, the Chairman referred back to this case. Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the case be **tabled until May 7, 2007**. Vote carried 5 – 0.

Case No. 9817 – David Nocks and Tameka Hicks- northeast of Road 636, being Lot 2.

A variance from the minimum lot width requirement for parcels.

Mrs. Thibodeau presented the case. David Nocks was sworn in and testified requesting a 14.69-foot variance from the required 150-foot lot width requirement for a parcel and a 30-foot variance from the required 150-foot lot width requirement for a

parcel; that he would like to subdivide the lot; and that he would like to build one home on the lot.

There was a consensus of the Board that the application is not different from the application filed in 2006.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the application for Case No. 9817 be **denied since the case is not substantially different from the 2006 application**. Vote carried 4 – 1.

Case No. 9818 – Absolute Signs- north of Route 24, southwest of Road 297.

A variance for an additional wall sign.

Mrs. Thibodeau presented the case. Gary Brent was sworn in and testified requesting a variance for an additional wall sign; that the sign will be for the new Royal Farms in Millsboro; that the sign will be oval in shape; and that the sign is for a new menu item they are promoting.

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

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

Case No. 9819 – J. Thomas Nute- east of Route 5, south of Caravel Drive, being Lot 70 within River Village development.

A variance from the side yard setback requirement.

Mrs. Thibodeau presented the case. J. Thomas Nute was sworn in and testified requesting a 3-foot variance from the required 10-foot side yard setback requirement; that the home was placed on the property 23 years ago; that the home is a classified Class “C”; and that he was not aware of the violation until a survey was done.

By a show of hands 1 party appeared in support of the application.

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 since it will not alter the character of the neighborhood**. Vote carried 5 – 0.

Case No. 9820 – Larry E. Willey- north of Road 470, east of U.S. Route 13A.

A variance from the minimum lot width requirement for a parcel.

Mrs. Thibodeau presented the case. Larry Willey was sworn in and testified requesting a 4.5-foot variance from the required 150-foot lot width requirement; that he owns 1.5 acres; that he would like to subdivide for residential purposes; and that he received approval from DOT.

By a show of hands 1 party appeared in support of the application.

Mrs. Thibodeau stated that the office received 1 letter in opposition to the application.

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

Meeting adjourned 8:40 p.m.