



BOARD OF ADJUSTMENT

AGENDAS & MINUTES

MINUTES OF APRIL 5, 2010

The regular meeting of the Sussex County Board of Adjustment was held on Monday April 5, 2010, 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. Susan Isaacs, Chief Zoning Inspector and Mrs. Kelly Passwaters – Recording Secretary.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously to approve the Revised Agenda as circulated with the correction to move the Old Business to the first order of business. Vote carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to table the Minutes of the March 15, 2010 meeting. 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.

OLD BUSINESS

Case No. 10018 – John DelRossi- east of Route 22, east of Berry Street, being Lot 3 within Bay City Mobile Home Park.

A variance from the maximum allowable lot coverage in a mobile home park.

The Board discussed the case, which has been tabled since December 17, 2007.

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously that the case be **tabled until the April 19, 2010 meeting**. Vote carried 5 – 0.

Case No. 10551- John DelRossi- east of Route 22, east of Berry Street, being Lot 3 within Bay city Mobile Home Park.

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

The Board discussed the case, which has been tabled since January 4, 2010.

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously that the case be **tabled until the April 19, 2010 meeting**. Vote carried 5 – 0.

Case No. 10039- David and Susan Lilley- west of Route 22, east of Walnut Street, being Lot 36 within Bay City Mobile Home Park.

The Board discussed the case, which has been tabled since January 28, 2008.

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously that the case be **tabled until the April 19, 2010 meeting**. Vote carried 5 – 0.

PUBLIC HEARINGS

Case No. 10587 – Leticia Gehman- south of Route 34, 3,800 feet west of Road 583.

A special use exception for a day care center.

Mrs. Isaacs presented the case. Leticia Gehman was sworn in and testified requesting a special use exception for a day care center; that there will be no more than nine (9) children; that the children will range in age from six (6) weeks to thirteen (13) years old; that there will be no employee's; that the day care center will be open a 6:45 A.M. and will close at 5:00 P.M., Monday through Friday; that she is licensed for no more than nine (9) children; and that she has been licensed for seven (7) years.

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

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the special use exception be **granted since it will not substantially affect adversely the uses of adjacent and neighboring properties**. Vote carried 5 – 0.

Case No. 10588 – William and Kim Chipman- southwest of Route One, south of Carla Avenue, being Lot D-6 within Seabreeze Development.

A variance from the front yard setback requirement.

Mrs. Isaacs presented the case. William Chipman was sworn in and testified requesting a 10-foot variance from the required 30-foot front yard setback requirement for a proposed porch; that he has owned the property since 2005; that there is a cement stoop on the front of the home; that he would like to construct a front porch; that the

house is believed to have been built prior to Zoning Code; and that they are trying to make the house safer and look a lot nicer.

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

Mrs. Isaacs stated the office received 1 letter in favor of the application.

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

Case No. 10589 – Tracy Revel- northeast of Road 455, 2,930 feet northwest of Road 66.

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

Mrs. Isaacs presented the case. Tracy Revel was sworn in and testified requesting a special use exception to retain a manufactured home on a medical hardship basis; that the case was previously approved on May 15, 2000; that it has since expired; and that it is for her mother.

The Board found that 1 party appeared in support of the application.

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 special use exception be **granted for a period of two (2) years since it will not substantially affect adversely the uses of adjacent and neighboring properties.** Vote carried 5 – 0.

Case No. 10590 – Lou Ann Yoder- east of Road 546, 2,850 feet north of Route 18.

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

Mrs. Isaacs presented the case. Lou Ann Yoder was sworn in and testified requesting to retain a manufactured home on a medical hardship basis; that the case was previously approved on November 25, 2002; that it has since expired; and that the home will be used for a caregiver.

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

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the special use exception be **granted for a period of two (2) years since it will not substantially affect adversely the uses of adjacent and neighboring properties.** Vote carried 5 – 0.

Case No. 10591 – Lisa Gillette- north of Rosemary Street, at the intersection of Bay Shore Drive, being Lot 58, Block H within Joseph D. Short 1st Addition development.

A variance from the front yard setback requirement.

Mrs. Isaacs presented the case. Matthew Dotterer was sworn in and testified on behalf of the application requesting a 14-foot variance from the required 30-foot front yard setback requirement; that the structure is non-conforming; that the applicant would like to construct a screen porch; that the house and property lines are not parallel; that the front door of the home is located in the setbacks; and that the shed will be moved to meet setback requirements.

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. 10592- Sports At The Beach- south of Route 18, 2,300 feet west of Road 321.

A special use exception for outdoor display or promotional activity.

Mrs. Isaacs presented the case. Pete Townsend was sworn in and testified requesting a special use exception for outdoor display or promotional activity; that he would like to add a Halloween and Christmas light display like the ones that are currently in Ocean City; that the program will run approximately twenty-two nights (22); that the light show will begin around Thanksgiving and end January 1; that he is trying to extend the employment season for his employee's by two (2) months; that it will be a drive through light show; that it would be a large investment; that there is enough electric capacity; that it will not create any additional traffic; and that he may need to construct an additional building for storage purposes.

The Board found that 1 party appeared in support of the application.

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 special use exception be **granted for a period of five (5) years since it will not substantially affect adversely the uses of adjacent and neighboring properties.** Vote carried 5 – 0.

Case No. 10593 – Jorgen Larsen- east of Road 374, west of Whispering Lane, being Lot 114 within Hidden Acres II development.

A variance from the front yard setback requirement.

Mrs. Isaacs presented the case. Jorgen Larsen was sworn in and testified requesting a 15-foot variance from the required 30-foot front yard setback requirement for a carport; that the carport is used to keep tree limbs off his car from his neighbors tree's; that the carport cannot be moved due to the septic system; and that he was not aware a building permit was needed.

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 enables reasonable use of the property, since it is unique, since it will not alter the essential character of the neighborhood and since it is the minimum variance to afford relief.** Vote carried 5 – 0.

Meeting Adjourned at 7:45 P.M.

