



## *Board of Adjustment*

Agendas & Minutes

### **MINUTES OF AUGUST 6, 2007**

The regular meeting of the Sussex County Board of Adjustment was held on Monday August 6, 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 and Mr. Jeff Hudson, with Mr. Richard Berl – Assistant County Attorney and staff members Mr. Norman Rickard, Mrs. Shari Collins, Mr. Russell Warrington, Ms. Kelly Eaton – Recording Secretary.

Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously to approve the Revised Agenda with the correction to allow Case No. 9896 to be withdrawn. Vote carried 4 – 0.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of July 16, 2007 as circulated. Vote carried 4 – 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. 9893 – Joanna C. Pappas-** north of Road 313A and north of Route 24.

A special use exception for a veterinary hospital and a variance from the setback requirements.

Mrs. Collins presented the case. Joanna Pappas was sworn in and testified requesting a special use exception to have a veterinary hospital on less than 5 acres and a 184.8-foot variance from the required 200-foot lot line setback for a veterinary hospital; that the applicant would like to renovate the existing garage; that it would be for a small animal clinic; that the garage measures 40' x 40'; that it would be for small animals only; that the applicant will live in the home; and that she would like to open for business in 1-2 years.

Michael Corsey was sworn in and testified stating that he is the neighbor; that he is not opposed to the application; and that he questions the size of the parcel.

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 case be **tabled to allow the applicant to reapply with no additional fees.** Vote carried 4 - 0.

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**Case No. 9894 – Michael S. Melson-** north and south of Road 573, 336 feet south of Road 575.

A special use exception to retain a manufactured home on less than ten (10) acres.

Mrs. Collins presented the case. Michael S. Melson was sworn in and testified requesting to retain a manufactured home on less than 10 acres; that the manufactured home has been on the property for 4 years; that the manufactured home is a 1986; that the property belongs to his parents; and that he would like to rent the manufactured home.

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 case be **tabled until August 20, 2007.** Vote carried 4 – 0.

**Case No. 9895 – Steven M. and Lisa D. Toomey-** intersection of Road 74 and Road 442.

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

Mrs. Collins presented the case. Steven and Lisa Toomey were sworn in and testified requesting to retain a manufactured home on a medical hardship basis; that the manufactured home is for her mother-in-law; that the manufactured home has been on the property for 19 years; and that the medical hardship was previously approved in 1994.

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 special use exception be **granted for a period of 2 years.** Vote carried 4 – 0.

**Case No. 9897 – Susan Fisler-** north of Woodland Circle, east of Poplar Drive, being Lot 71, Block U, Section 5 within Angola By The Bay development.

A variance from the rear yard setback requirement.

Mrs. Collins presented the case. Susan Fisler was sworn in and testified requesting a 10.7-foot variance from the required 20-foot rear yard setback requirement;

that she would like to build a screen porch and deck; that Tidewater Utilities, Inc. has storage tanks in the common area; and that other variance have been granted in the area.

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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 essential character of the neighborhood**. Vote carried 4 – 0.

**Case No. 9898 – Brian Costleigh-** north of Beach Avenue, 90 feet east of Pierce Avenue, being Lot 18 within Beach Surf Club development.

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

Mrs. Collins presented the case. Brian Costleigh was sworn in and testified requesting a 20-foot variance from the required 30-foot front yard setback requirement and a 3-foot variance from the required 10-foot rear yard setback requirement; that he would like to place the deck on the side of the house; and that DNREC will not allow decks further east but will allow them towards the road.

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 **variances be granted since it will not alter the essential character of the neighborhood and since other variance have be granted in the area**. Vote carried 4 – 0.

**Case No. 9899 – First State Signs-** intersection of U.S. Route 13 and Road 485.

A special use exception to replace an existing billboard.

Mrs. Collins presented the case. Dale McCalister was sworn in and testified requesting a special use exception to replace an existing billboard; that currently there are 2 billboards that measure 12' x 24' each; that they would be removed; that the existing billboards would be replaced with a 2 sided billboard that measures 12' x 48'; and that it will not advertise the business on premise.

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 with the stipulation that it does not advertise the business on premise**. Vote carried 4 – 0.

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**Case No. 9900 – Robert and Patricia Winterbottom-** south of Taft Avenue, being Lot 7, Block 2 within Cape Windsor development.

A variance from the side yard setback requirement.

Mrs. Collins presented the case. Robert and Patricia Winterbottom were sworn in and testified requesting a 5-foot variance from the required 10-foot side yard setback requirement; that the lot measures 45' x 118'; that they would like to place a new home on the property; and that the existing structure was built in 1971.

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 does not alter the essential character of the neighborhood and since other variances have been granted in the area**. Vote carried 4 – 0.

**Case No. 9901 – Nathan Bailey-** south of Road 74, 1,000 feet east of Road 442.

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

Mrs. Collins presented the case. Nathan Bailey and Gary Hearn were sworn in and testified requesting a special use exception to place a manufactured home on a medical hardship basis; that the hardship was previously approved for Mr. Hearn's mother-in-law; that Mr. Bailey lived with her and she has passed away; and that the home cannot be seen from the road.

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 2 years since it does not affect adversely the uses of adjacent and neighboring properties**. Vote carried 4 – 0.

**Case No. 9902 – Bonnie C. Hall-** east of Route 30, 125 feet north of Road 297.

A variance from the front yard setback requirement.

Mrs. Collins presented the case. Bonnie Hall, Carla Riddle and Jamie Riddle were sworn in and testified requesting a 23.5-foot variance from the required 40-foot front yard

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setback requirement; that they are remodeling the home; that it was built in 1947; that they would like to make the front stoop into a country porch; and that the side porch would become living space.

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 essential character of neighborhood**. Vote carried 4 – 0.

### **OLD BUSINESS**

**Case No. 9888 – Wendy Stenger and Shamrock Par 3-** intersection of Route 16 and Road 238.

A special use exception to place an off premise sign and a variance from the maximum square footage requirement for a sign.

The Board discussed the case, which has been tabled since July 16, 2007.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the special use exception be **granted since it meets the standards for granting a special use exception**. Vote carried 4 – 0.

**Case No. 9780 – Paul Edward and Helen A. May-** southeast of Bayshore Drive, north of Carolina Avenue, being Lot 21, Block G, within Broadkilm Beach.

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

The Board discussed the case, which has been tabled since March 19, 2007.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the variance be **granted since it will not alter the essential character of the neighborhood**. Vote carried 4 – 0.

**Meeting adjourned 8:15 p.m.**