



BOARD OF ADJUSTMENT

AGENDAS & MINUTES

MINUTES OF DECEMBER 17, 2007

The regular meeting of the Sussex County Board of Adjustment was held on Monday December 17, 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 Vice Chairman McCabe presiding. The Board members present were: 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, Mr. Russell Warrington and Mrs. Kelly Passwaters – Recording Secretary.

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

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of December 3, 2007 & December 10, 2007 as circulated. Vote carried 4 – 0.

PUBLIC HEARINGS

Case No. 10009 – Charles Ciociola- south end of Route 22C, being Lot 5 within Pot Nets Bayside Mobile Home Park.

A variance from the separation requirement between units in a mobile home park.

Mrs. Thibodeau presented the case. Charles Ciociola was sworn in and testified requesting a 7-foot variance from the required 20-foot separation requirement between units; that he would like to extend a bedroom; that he is going to remove the existing shed; and that he leased the property in August 2007.

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 variance be **granted since it enables reasonable use of the property**. Vote carried 4 – 0.

Case No. 10010 – Thomas J. and Tammie M. Deputy- south of Road 450, 1,950 feet east of Road 612.

A variance from the side yard and rear yard setback requirements and a variance from the minimum acreage requirement for poultry houses.

Mrs. Thibodeau presented the case. Thomas Deputy and Doug Annand were sworn in and testified requesting a 10.2-foot variance from the required 15-foot side yard

setback requirement, a 31.8-foot variance from the required 50-foot rear yard setback requirement and a variance of 2.771 acres from the required 5.0 acre for commercial poultry houses; that the property is mortgaged through a high interest commercial loan because of the poultry houses; that he would like to create a separate lot for the existing dwelling; and that the old chicken house will be removed.

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 the January 7, 2008 meeting**. Vote carried 4 – 0.

Case No. 10011 – Michael and Elaine Herholdt- west of Road 42, 1.475 feet south of road 635.

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

Mrs. Thibodeau presented the case. Dan Herholdt was sworn in and testified requesting a 4-foot variance from the required 5-foot side yard setback requirement and a 2-foot variance from the required 5-foot side yard setback requirement; that he would like to subdivide a 10-acre parcel; that he would like to create a 2.9-acre parcel; and that he has a 50-foot easement to give frontage to the rear of the parcel.

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

Motion by Mr. Workman, seconded by Mr. Hudson, and carried unanimously that the case be taken under advisement. Vote carried 4 – 0.

At the conclusion of the public hearings, the Chairman referred back to this case. Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the case be **tabled until the January 7, 2008 meeting**. Vote carried 4 – 0.

Case No. 10012 – Elizabeth Fennell- north of Road 483, north of Waterview Drive, being Lot 1 within Waterview Acres development.

A variance from the side yard setback requirement for an accessory structure.

Mrs. Thibodeau presented the case. Elizabeth and James Fennell were sworn in and testified requesting a 3-foot variance from the required 5-foot side yard setback requirement; that they replaced a dog kennel with a shed; that they placed it on an existing concrete pad; that the shed sits in an easement; that there is no other suitable place to put the shed; and that the shed measures 28' x 14'.

John Dorsch was sworn in and testified in opposition to the application and stated that when a survey was done the concrete pad was said to be on his property; and that he has put up a fence on his property so the shed cannot be seen.

Mrs. Thibodeau stated the office received 4 letters in support of the application.

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

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the case be taken under advisement. Vote carried 4 – 0.

At the conclusion of the public hearings, the Chairman referred back to this case. Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the case be **tabled until the January 7, 2008 meeting**. Vote carried 4 – 0.

Case No. 10013 – Matthew and Joyce Mazur- west of Road 275, Ocean Reach Drive, being Lot 63 within Henlopen Landing development.

A variance from the rear yard and side yard setback requirements for an accessory structure.

Mrs. Thibodeau presented the case. Matthew and Joyce Mazur were sworn in and testified requesting a 4-foot variance from the required 5-foot rear yard setback requirement and a 2-foot variance from the required 5-foot side yard setback requirement; that the shed was placed over 2 years ago; that they were not aware that a building permit was required; and that there is no other suitable place to put the shed.

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

Motion by Mr. Workman, 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 it is the minimum variance to afford relief**. Vote carried 4 – 0.

Case No. 10014 – Norma D. Wilson- east of Road 229, 800 feet south of Road 38.

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

Mrs. Thibodeau presented the case. Norma Wilson was sworn in and testified requesting to retain a manufactured home on a medical hardship basis; that the case was previously approved in 1999; and that it is for her mother.

David Wilson was sworn in and testified in support of the application and stated that the situation still remains the same; and that that medical hardship is needed more now.

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

Case No. 10015 – Rodney W. Smith- west of Ocean Pines Lane, 300 feet south of Road 361A, being Lot 8 within Walter B. Carey Subdivision.

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

Mrs. Thibodeau presented the case. Rodney Smith was sworn in and testified requesting a 2.91-foot variance from the required 10-foot rear yard setback requirement and a 3.78-foot variance from the required 10-foot side yard setback requirement; that currently there is a 1 story dwelling with a garage that straddles 2 parcels; that he would like to relocate the existing dwelling; that he will be removing the garage and porch; that it would allow for his sister to have a home with no upstairs; that he spoke to his neighbor to the rear of him; and that other variances have been granted in the area.

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 variances be **granted since it meets the standards for granting a variance**. Vote carried 4 – 0.

Case No. 10016 – David Moore- north of Road 368, north of William Chandler Boulevard, being Lot 38 within South Hampton development.

A variance from the separation requirement between units.

Mrs. Thibodeau presented the case. David Moore was sworn in and testified requesting a 3-foot variance from the required 20-foot separation requirement between units; that he built a deck; and that when he had final inspection he was told that he did not meet setback requirements.

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

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

Motion by Mr. Workman, seconded by Mr. Mills, and carried unanimously that the case be **tabled until the January 7, 2008 meeting**. Vote carried 4 – 0.

Case No. 10017 – Darlene and Richard Phillips, Jr.- south of Route 16, 400 feet east of Road 570.

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

Mrs. Thibodeau presented the case. Darlene and Richard Phillips were sworn in and testified requesting a 15-foot variance from the required 20-foot rear yard setback requirement and a 10-foot variance from the required 15-foot side yard setback requirement; that they would like to erect a pole barn; that they can not meet setback requirements due to the septic location and drain fields; that it will be used for storage; that the pole barn would measure 30' x 40'; and that they spoke to the neighbors and they do not oppose.

Mrs. Thibodeau stated the office received 2 letters 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 variances be **granted since it meets the standards for granting a variance**. Vote carried 4 – 0.

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.

Mrs. Thibodeau presented the case. John DelRossi and John Fink were sworn in and testified requesting a 761-square foot variance from the required 1960-square for the 35% allowable lot coverage; that he built a deck that didn't meet setback requirements; that he spoke to Bay City prior to construction and was told he could build; that he was told the lot size was 70' x 80'; and that there is a 60-foot buffer in the back of his home.

Dan Wien was sworn in and testified in opposition and stated that he has owned property in Bay City for 34 years; that the lot size stated on the application is incorrect;

that the manufactured home on the property already exceeds the allowable lot coverage; that the deck and manufactured home exceed over 70% of the lot coverage; that other home owners are in violation also; and that over building on lots are causing flooding in the park.

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

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

Mrs. Thibodeau stated the office received 3 letters in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the case be **left open for the park manager of Bay City to be present**. Vote carried 4 – 0.

Case No. 10019 – Mark Clavier- south of Kingsbridge Road, being Lot 23, Block 7, Section B within Rehoboth Beach Yacht and Country Club development.

A variance from the front yard setback requirement.

Mrs. Thibodeau presented the case. Mark Clavier was sworn in and testified requesting a 5-foot variance from the required 30-foot front yard setback requirement; that he is planning to build a new home; that he would like to place a pool in the back yard; that he would like the home to be closer to the road so the pool will fit; that he would like his garage to have a side entrance so it will look more appealing; and that other variance have been granted in the area.

Mrs. Thibodeau stated 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. Hudson, 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 4 – 0.

OLD BUSINESS

Case No. 9936 – Lingard I. Whiteford, IV- east of Seafarer Road, south of Route 22, being Lot 76 within White House Beach Mobile Home Park.

A variance from the separation requirement between units in a mobile home park.

The Board discussed the case, which has been tabled since September 24, 2007.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the variance be **granted with the stipulation that the surveyor supervises the placement of the manufactured home.** Vote carried 4 – 0.

Meeting adjourned at 8:57p.m.