



# BOARD OF ADJUSTMENT

## AGENDAS & MINUTES

### MINUTES OF FEBRUARY 2, 2009

The regular meeting of the Sussex County Board of Adjustment was held on Monday February 2, 2009, 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, Mr. Norman Rickard and Mrs. Kelly Passwaters – Recording Secretary.

Motion by Mr. Mills, seconded by Mr. Hudson, 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 January 26, 2009 meeting 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. 10273 – B.P. Shanabrough-** east of Road 357, being Lot 211 within Bayshore Mobile Home Park.

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

Mr. Rickard presented the case. Brett Cox was sworn in and testified requesting a 7% variance from the maximum 35% lot coverage requirement; that he would like to construct a porch; and that it will meet the setback requirements.

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. 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 it is a small lot.** Vote carried 5 – 0.

**Case No. 10342 – Monica Lewis and Ann Zimmerman-** east of Boat Dock Drive, being part of Lots 27 & 28, Block Y, Section 4 within Angola By the Bay development.

A variance from the rear yard setback requirement.

Mr. Rickard presented the case. Dallas Reynolds was sworn in and testified requesting a 1.8-foot variance from the required 20-foot rear yard setback requirement; that it is a second floor deck; and that when the deck was constructed they were not aware the corner would encroach into the setback.

Paul Leclerc was sworn in and testified in favor of the application and stated that the lot is unique and that he does not oppose the variance being granted.

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. Hudson, seconded by Mr. McCabe, 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. 10330 – Big Debs LLC-** south of Route 9, being Lots 2 and 3.

A variance for an additional wall sign and a variance from the maximum square footage requirement for a sign.

(Continued from January 5, 2009)

Mr. Rickard presented the case.

Mr. Berl stated he received a call from the applicant's attorney and has recommended that the case be left open until the February 23, 2009 meeting for other possible violations to be reviewed.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the case be **tabled until the February 23, 2009 meeting**. Vote carried 5 – 0.

### OLD BUSINESS

**Case No. 10321 – Mary Jane Boswell and Perri A. Holod-** east of Route One, north of Beaver Dam Reach, being Lot 16 within The Woods at Seaside Phase I.

A variance from the rear yard setback requirement.

The Board discussed the case, which has been tabled since December 15, 2008.

Motion by Mr. Workman, seconded by Mr. Hudson, and carried unanimously that the variance be **denied since it does not meet the standards for granting a variance**. Vote carried 4 – 0. Mr. McCabe abstained from voting.

**Case No. 10326 – Franklin Brittingham, Jr.** - north of Route 20, 600 feet east of Road 474.

A variance from the minimum lot size requirement to place a manufactured home.

The Board discussed the case, which has been tabled since January 5, 2009.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be **denied**. Vote carried 4 – 0. Mr. Workman abstained from voting.

**Case No. 10332 – Victor and Rita Hudson-** south of Road 404, 25 feet east of Road 32.

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

The Board discussed the case, which has been tabled since January 5, 2009.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the special use exception be **denied**. Vote carried 4 – 0. Mr. Workman abstained from voting.

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**The Board took a 10-minute Recess.**

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### OTHER BUSINESS

#### **1. Discussion – Sign Ordinance**

Mr. Rickard discussed the sign ordinance that was adopted by County Council on December 2, 2008. Mr. Rickard went over Electronic Message display and how they

work. Mr. Rickard stated the requirements for an on premise ground sign have changed in the B1, M, UB, C1, CR1, LI-1, LI-2 and HI-1 districts. One on-premise ground sign per street or road frontage per parcel, not to exceed 200 square feet on any side or facing. In addition, each store, shop, office or similar unit shall be permitted one on-premise illuminated awning, marquee, projecting, wall sign or electric message display not exceeding combinations of signs or one sign not exceeding 150 square feet. The sign shall not exceed 15 percent of total square footage of wall area where a wall exceeds 1,000 square feet. Mr. Rickard discussed off-premise signs.

**2. Discussion – Meeting Times**

Mr. Rickard discussed Meeting times. He made a suggestion to start the meetings at 6:00 p.m. The Board members talked about it and decided to table the discussion on meeting times until the February 23, 2009.

**Meeting adjourned at 8:55 P.M.**

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