



BOARD OF ADJUSTMENT

AGENDAS & MINUTES

MINUTES OF FEBRUARY 22, 2010

The regular meeting of the Sussex County Board of Adjustment was held on Monday February 22, 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 Ms. Rebecca Trifillis – Assistant County Attorney and staff members, Mrs. Jennifer Norwood and Mrs. Kelly Passwaters – Recording Secretary.

Motion by Mr. Mills, seconded by Mr. McCabe, 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 the February 1, 2010 meeting. Vote carried 5 – 0.

Ms. Trifillis read a statement explaining how the Board of Adjustment meeting is conducted and the procedures for hearing the cases.

PUBLIC HEARINGS

Case No. 10567 – Dean Meredith- south of Road 302A, east of Durham Street, being Lot 12, Block D within Avalon Park development.

A variance from the side yard setback requirement.

Mrs. Norwood presented the case. Dean Meredith was sworn in and testified requesting a 3-foot variance from the required 10-foot side yard setback requirement for a detached garage; that he would like to construct a garage on the right side of the house; that it would be used to store his classic car; that the garage cannot be attached to the house as it would void the warranty on the home; that the neighbor has no objection; and that the garage cannot be place in the rear of the property due to the location of the septic system.

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 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. 10568 – Jonathan and Kathy Zeleznick- south of Road 358, north of Bow Street, 150 feet east of Wango Lane, being Lot 17, Section 2 within Holly Ridge Terrace development.

A variance from the side yard setback requirement.

Mrs. Norwood presented the case.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the case be **denied due to lack of representation**. Vote carried 5 – 0.

Case No. 10569 – Patricia Hoffert- north of Route 54, west of Blue Teal Road, being Lot 40, Block C within Swann Keys development.

A variance from the side yard setback requirement.

Mrs. Norwood presented the case. Corey Hannison was sworn in and testified on behalf of the applicant requesting a 4-foot variance from the required 10-foot side yard setback requirement; that there was a variance approval in 2004 for a sunroom; that the applicant would like to extend the sunroom the length of the manufactured home to make living space; 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. 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 there was no opposition**. Vote carried 5 – 0.

Case No. 10570 – Bette Gallo- west of Route One, south of Bridge Road, being Lot 3 and part of Lot 2, Clock I within Middlesex Beach development.

A variance from the buffer requirement in a Combined Highway Corridor Overlay Zone District.

Mrs. Norwood presented the case. Mark Davidson was sworn in and testified on behalf of the applicant requesting a 10-foot variance from the required 20-foot buffer requirement in a Combined Highway Corridor Overlay Zone District; that the property is

surrounded on three (3) sides by roads; that the Middlesex Beach Homeowners Association is in support of the application; that the applicant would like to construct a 7,500-square foot building; and that there will be a landscaping buffer.

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 the neighborhood.** Vote carried 5 – 0.

Case No. 10571 – James and Anita Stephan- south of Road 360, west of Schooner Road, being Unit 48, Building H within Schooner Village I, The Salt Pond.

A variance from the separation requirement between buildings for multifamily dwellings.

This application was withdrawn of February 5, 2010.

Case No. 10572 and Case No. 10550 – Landreth C. Adams, Jr. - southeast of Route 9, 562 feet west of Road 446.

A special use exception to retain a multi-sectional manufactured home more than five (5) years old and a special use exception to retain a manufactured home on less than five (5) acres.

Motion by Mills, seconded by Mr. Hudson, and carried unanimously to incorporate the testimony from Case No. 10550. Vote carried 5 – 0.

Mrs. Norwood presented the case. Sam Scott was sworn in and testified requesting a special use exception to retain a multi-sectional manufactured home more than five (5) years old and a special use exception to retain a manufactured home on less than five (5) acres; that the manufactured home that is currently on the property is older than five (5) years old; that he would like to sub-divide the property; and that the 1984 manufactured home will remain on approximately 4.6 Acres.

Motion by Mr. Hudson, seconded by Mr. Mills, and carried unanimously that the special use exceptions be **granted for Case No. 10572 and Case No. 10550 since it will not substantially affect adversely the uses of adjacent and neighboring properties.** Vote carried 5 – 0.

OLD BUSINESS

Case No. 10562 – Telamon Corporation- south of Road 262, intersection of Road 291 and West Meadowview Drive, being Lots 1, 12 and 13, Section 2 within Coolspring Farms development.

A special use exception for a day care center.

The Board members discussed the case, which has been tabled since February 1, 2010.

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.

OTHER BUSINESS

Case No. 9988 – Travis S. Martin (Delmarva Land Co.)- northeast of U.S. Route 113, corner of Route 54A.

A variance from the front yard setback requirement for a through lot.

This is a request for a time extension.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the request for a time extension be **granted for a period of one (1) year.** Vote carried 5 – 0.

Meeting Adjourned at 7:45 P.M.

