



BOARD OF ADJUSTMENT

AGENDAS & MINUTES

MINUTES OF FEBRUARY 23, 2009

The regular meeting of the Sussex County Board of Adjustment was held on Monday February 23, 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. 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 February 2, 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. 10343 – Ryan Homes- east of Route 5 and north of Route 23, being Parcel A.

A special use exception for an off-premise sign and a variance from the setback requirements.

Mr. Rickard presented the case. Heidi Balliet, Attorney, testified requesting a special use exception for an off premise sign; that the sign measures 4' x 8'; that it is located in a C-1 zoning; that they have received consent from the property owner; that the sign will be moved to meet setback requirements; that the sign has been on the property for over two (2) years; that it advertises a good selling community; that it will not alter the essential character of the neighborhood; that they have received no complaints from the surrounding property owners; that no traffic hazards have been caused due to the location of the sign; and that the sign looks professional.

Preston Dyer was sworn in and testified in support of the application and stated he is a partner of Long Neck Shores; and that he owns the commercial property where the sign is located.

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

Mr. Rickard 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. Mills, seconded by Mr. McCabe, and carried unanimously that the case be taken under advisement. Vote carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the case be **tabled until the March 16, 2009 meeting for the applicant to determine the exact variance needed.** Vote carried 5 – 0.

Case No. 10344 – Ryan Homes- west of Route 24, 560 feet north of Road 299, being Lots 12 and 14.

A special use exception for an off-premise sign and a variance from the setback requirements.

Mr. Rickard presented the case. Heidi Balliet, Attorney, testified requesting a special use exception for an off premise sign; that the sign measures 4' x 8'; that it is located in a C-1 zoning; that they have received consent from the property owner; that the sign will be moved to meet setback requirements; that the sign has been on the property for over two (2) years; that it advertises a good selling community; that it will not alter the essential character of the neighborhood; that they have received no complaints from the surrounding property owners; that no traffic hazards have been caused due to the location of the sign; and that the sign looks professional.

Melissa Thibodeau, Sussex County Zoning Inspector, was sworn in and testified the sign will not be located at least 300-feet from the Seafood Shack sign; and that there is a dwelling located across the street.

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

Mr. Rickard 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. Mills, seconded by Mr. McCabe, and carried unanimously that the case be **tabled until the March 16, 2009 meeting for the applicant to determine the exact variance needed.** Vote carried 5 – 0.

Case No. 10345 – Jeff and Melissa Baker- southeast intersection of Route 404 and Road 575.

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

Mr. Rickard presented the case. Jeff and Melissa Baker were sworn in and testified requesting a special use exception to place a manufactured home on a medical hardship basis; that the manufactured home measures 14' x 70'; that it is a 1993 model; that his parents need to be cared for; and that the unit will be placed on block foundation.

The Board found that 3 parties appeared in support of the application.

Mr. Rickard stated the office received 4 letters in favor of the application.

The Board found that no appeared 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 2 years since it will not substantially affect adversely the uses of adjacent and neighboring properties**. Vote carried 5 – 0.

Case No. 10346 – Ricky Shafer- north of Road 361, 500 feet north of Road 363 and At northeast corner of Arthurs Town Road and Sandy Point Road, being Unit 56 within Bahamas Beach Cottages.

A variance from the separation requirement between units.

Mr. Rickard presented the case. Ricky Shafer was sworn in and testified requesting a 2.33-foot variance from the required 40-foot separation requirement between units for existing stairs and landing; that he replaced the existing addition with a larger one; and that the steps encroach into the setback.

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 it is the minimum variance to afford relief**. Vote carried 5 – 0.

Case No. 10347 – Alisa C. Johnson- west of U.S. Route 113, 1,247 feet south of Road 400.

A special use exception for a day care center.

Mr. Rickard presented the case. Alisa Johnson was sworn in and testified requesting a special use exception for a day care center; that she is licensed for seventy-five (75) children; that the center will be open from 6:30 A.M. to 5:30 P.M., Monday thru Friday; that the children will range in age from 6 weeks to 12 years old; that she already operates a daycare center with forty-four (44) children; and that property is fenced in.

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 since it will not alter the essential character of the neighborhood**. Vote carried 5 – 0.

Case No. 10348 – Dalene G. and Farrah Norwood- northeast of Road 315A.

A variance from the minimum acreage requirement to place a second manufactured home.

Mr. Rickard presented the case. Farrah Norwood and Steven McCarthy were sworn in and testified requesting a variance from the minimum acreage requirement to place a second manufactured home; that she acquired the property from her grandfather; that the property cannot be subdivided; that the first manufactured home moved onto the property in 1985 was on a hardship basis; that no permits were obtained for the manufactured homes currently on the property; and that the manufactured home located in the woods has been removed.

The Board found that 3 parties 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. Mills, and carried unanimously that the case be taken under advisement. Vote carried 5 – 0.

At the conclusion of the public hearings, the Chairman referred back to this case. Motion by Mr. Hudson, seconded by Mr. Mills, and carried unanimously that the variance be **granted since the lot is unique, since it was not created by the applicant, and since it will not alter the essential character of the neighborhood**. Vote carried 5 – 0.

Case No. 10349 – Edward G. Mullen and William T. Gorman- west of Route One, north of Washington Street, being part of Lot 26 within Rehoboth Manor.

A variance from the rear yard setback requirement.

Mr. Rickard presented the case. William Gorman was sworn in along with Seth Thompson, Attorney, and testified requesting a 4.2-foot variance from the required 5-foot rear yard setback requirement for a shed and a 3.6-foot variance from required 5-foot rear yard setback requirement for shed; that Mr. Gorman is the new buyer; that the lot was purchased at an estate sale; that the lot is irregular shaped; and that the violation was not created by the applicant.

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 variance be **granted since it meets the standards for granting a variance**. Vote carried 5 – 0.

OLD BUSINESS

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.

Mr. Rickard presented the case.

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 case be **tabled for the office staff to make sure everything is in compliance and maintained**. Vote carried 5 – 0.

OTHER BUSINESS

Discussion – Meeting Times

Mr. Rickard referred back to meeting times, which has been tabled since January 26, 2009. Mr. Workman discussed possibly starting the meetings at 6:30 p.m. instead of the proposed 6:00 p.m. time. The Board members talked about it and decided to change the meeting times to 6:00 p.m. beginning November 2009.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the meeting times be changed to 6:00 p.m. beginning November 2009. Vote carried 5 – 0.

Meeting Adjourned @ 8:40 p.m.