



BOARD OF ADJUSTMENT

AGENDAS & MINUTES

MINUTES OF JANUARY 24, 2011

The regular meeting of the Sussex County Board of Adjustment was held on Monday, January 24, 2011, 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, Mrs. Susan Isaacs – Chief Zoning Inspector and Mrs. Jennifer Norwood – 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 January 3, 2011 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. 10753 – David Ritter – south of Road 22 (Longneck Road), 1,198.96 feet west of Road 22C (Pot Nets Road).

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

Mrs. Isaacs presented the case. David & Kathy Ritter were sworn in and testified requesting a 2.4-foot variance from the required 60-foot front yard setback requirement for an existing dwelling and office, a 16.5-foot variance from the required 20-foot side yard setback requirement for an existing dwelling, a 16.4-foot variance from the required 20-foot side yard setback requirement for an existing shed, a 0.1-foot variance from the required 20-foot side yard setback requirement for an existing building, and a 15-foot variance from the required 20-foot side yard setback requirement for a proposed 30' x 75' building; that they run an existing golf cart business; that they want to extend the existing building to expand their business; that the proposed building will line up with the existing building; that the existing buildings need variances to bring them into compliance; and that the lot is very narrow in size.

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

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Case No. 10754 – Terri Steinberg – southwest of Pintail Road, 280 feet northeast of Alaska Road within Back Bay Development, Lot 15, Block C.

A variance from the side yard setback requirement.

Mrs. Isaacs presented the case. Kyle Hamilton was sworn in and testified requesting a 3.5-foot variance from the required 10-foot side yard setback requirement for a proposed screen porch; that the Applicant must install an elevator due to a medical condition; that the proposed location for the elevator will be within the square-footage of the existing screen porch; that the Applicant would like to extend the screen porch to allow access to use the porch and maintain a turning radius needed for the wheelchair; that the proposed location of the elevator will allow the Applicant to have access to all the existing floors of her existing dwelling; that the elevator could be built in the front of the dwelling, however it will not allow access to the upper level of the dwelling; and that the proposed location of the elevator will match the existing roof line of the dwelling.

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

Mrs. Isaacs stated that the office received 1-letter in support of the application.

Mrs. Isaacs read into the record 2-letters in opposition to the application.

Motion by Mr. Workman, seconded by Mr. Hudson, and carried unanimously to take the case under advisement. Vote carried 5 – 0.

At the conclusion of the public hearings, the Chairman referred back to this case. Motion by Mr. Workman, seconded by Mr. Hudson, and carried unanimously that the case be **tabled until February 7, 2011**. Vote carried 5 – 0.

Case No. 10755 – Richard W. Jocsak – eastwest of Road 279, west of Bayview Drive, being Lot I-138, within West Bay Mobile Home Park.

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

Mrs. Isaacs presented the case. Janice Boore and Michael Kauffman were sworn in and testified requesting a 2-foot variance from the required 20-foot separation requirement between units in a mobile home park for a proposed addition; that there is an existing porch that measures 12'x 24'; that the proposed addition will measure 14'x 64'; that only a small portion of the addition will not meet the separation requirement from the neighbors steps; and that they have a letter of support from the mobile home park management.

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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. Workman, 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. Workman, seconded by Mr. McCabe, and carried unanimously that the variance be **granted since it will not alter the character of the neighborhood and since it is the minimum variance to afford relief**. Vote carried 5 – 0.

Case No. 10756 – Marvin E. Long – north of Route 54, 185.33 feet east of Willow Lane, being Lot 1, within Long's Trailer Court Mobile Home Park.

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

Mrs. Isaacs presented the case. Marvin Long was sworn in and testified requesting an 11.5-foot variance from the required 20-foot separation requirement between units in a mobile home park and a 8-foot variance from the required 20-foot separation requirement from an accessory structure in a mobile home park; that his parents established the mobile home park in the 1950's; that this particular unit had to be removed; that all the sewer, electric and water lines exist; that the encroachment is from an existing deck and shed on the adjacent lot; that the variance will allow them to keep the unit well off of Route 54; that the proposed unit will measure 12'x 50'; that all the units are over 50-years old; and that use of the park is seasonal only.

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 character of the neighborhood**. Vote carried 5 – 0.

OLD BUSINESS

Case No. 10745 – Tammy L. and Frank D. Crawford – west of Road 420, 0.27 mile north of Road 419, being Lot 8.

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

The Board discussed the case which has been tabled since January 3, 2011.

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Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously that the variances be **granted since it is a unique shaped lot and since it will not alter the character of the neighborhood and is the minimum variance to afford relief.**

Vote carried 5 – 0.

Case No. 19737 – John and Wendy Godwin – north of Route 54, Blue Bill Drive, being Lot 21, Block G within Swann Keys development.

A variance from the side yard setback requirement.

The Board discussed the case which has been tabled since January 3, 2011.

The case was **tabled until February 7, 2011** due to lack of a motion and the Chairman stated that a decision will be made at the next hearing.

Case No. 10738 – Alfred H. Johnson – northwest of Route 13A, north of Garden Lane, being Lot 55 within Green Acres development.

A variance from the front yard setback requirement.

The Board discussed the case which has been tabled since January 3, 2011.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be **granted since it meets the standards for granting a variance.**

Vote carried 5 – 0.

OTHER BUSINESS

Case No. 10746 – Ryan Homes – northeast of Road 299, north of Timbercreek Lane, being Lot 167 within Long Neck Shores development.

A variance from the front yard setback requirement.

Mrs. Isaacs read a letter from the Applicant's Attorney requesting a re-hearing.

Motion by Mr. Workman, seconded by Mr. Mills, and carried unanimously that the request for a re-hearing be **denied since it does not meet the requirements for a re-hearing**. Vote carried 5 – 0.

Meeting Adjourned 8:15 p.m.