



Board of Adjustment

Agendas & Minutes

MINUTES OF JULY 16, 2007

The regular meeting of Sussex County Board of Adjustment was held on Monday July 16, 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 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, Mrs. Shari Collins, Mr. Russell Warrington, Ms. Kelly Eaton – 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. Workman, and carried unanimously to approve the Minutes of July 2, 2007 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. 9883 – Perdue Agrirecycle, LLC- southwest of U.S. Route 13A, 3,870 feet southeast of Road 488.

A special use exception to place a manufactured home as an office.

Mrs. Collins presented the case. Joe Dickson and Steve Lester were sworn in and testified requesting a special use exception to place a manufactured home for an office; that it will be located 3,000-feet from Route 13A; that it will be located 2000-feet from Road 488; that it will be located in front of the present building next to the weigh scales; that it will be used for the drivers to do their paperwork; and that it will resolve safety issues.

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 special use exception be **granted for a period of 3 years since it will not affect adversely the uses of adjacent and neighboring properties**. Vote carried 5 – 0.

Case No. 9884 – Jeanette Stetler- north of Route 22, 1 mile west of Massey's Landing, being Lot B.

A variance from the rear yard setback requirement.

Mrs. Collins presented the case. Steve Becker was sworn in on behalf of the applicant and testified requesting a 16-foot variance from the required 20-foot rear yard setback requirement; that the lot measures 50 x 100; that the 1971 mobile home measures 12 x 56; and that the applicant would like to place a mobile home on the lot that measures 16 x 60.

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

Motion by Mr. Hudson, seconded by Mr. McCabe, and carried unanimously that the variance be **granted since it is a unique lot size, since it was not created by the applicant and since it enables reasonable use of the property.** Vote carried 5 – 0.

Case No. 9885 – Joseph W. and Mary D. Nelson- west of Road 258, 430 feet north of Road 261.

A variance from the side yard setback requirement.

Mrs. Collins presented the case. Joseph and Mary Nelson were sworn in and testified requesting a 0.5-foot variance from the required 15-foot side yard setback requirement; that the home was constructed in 1992; that the applicant purchased the home in 2003; that they are the second owners of the property; that when a survey was done the violations were discovered; and that the certificate of occupancy was issued by the Planning & Zoning Department.

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

Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously that the variance be **granted since it is an odd shaped lot and since it will not alter the essential character of the neighborhood.** Vote carried 5 – 0.

Case No. 9886 – Avelina Kramedas- west of Route One, west of Salt Hat Drive, being Lot 5 within Wharton's Cove Garth development.

A variance from the front yard setback requirement.

Mrs. Collins presented the case. Frederick Botto was sworn in and testified requesting a 5-foot variance from the required 10-foot side yard setback requirement; that the variance would be for a elevator attached to the side of the house; that it would make access into the house easier for Ms. Kramedas; and that the elevator could not be placed inside the home due to the interior design.

Eric Miller was sworn in and testified in opposition to the application and stated that he purchased the lot next door to the applicant; that they are very large lots; that he would like to see the open space maintained; that he feels it would decrease the value of his lot; and that he plans to build a home that will have a elevator inside the home.

In rebuttal, Thomas Kramedas, stated that he is the son of Avelina Kramedas and that the elevator on the side of the home would help her get inside the home.

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

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

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that Case No. 9886 be **left open for the applicant to submit a survey and for the Planning & Zoning office to check Building Permits for compliance.** Vote carried 5 – 0.

Case No. 9887 – Richard J. and Robin J. Leimbach- Keen-Wik Road, being Lot 11 and part of Lot 13 within Keen-Wik subdivision No. 1.

A variance from the front yard setback requirement.

Mrs. Collins presented the case. Richard Leimbach was sworn in and testified requesting a 5-foot variance from the required 30-foot front yard setback requirement; that the home was built in 2001; that the furnace was placed in the garage; and that the neighbors do not oppose.

Mrs. Collins stated that the office received one letter 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.** Vote carried 5 – 0.

Case No. 9888 – Wendy Stenger and Shamrock Par 3- intersection of Route 16 and Road 238.

A special use exception to place an off premise sign and a variance from the maximum square footage requirement for a sign.

Mrs. Collins presented the case. Wendy and Bob Stenger were sworn in and testified requesting a special use exception to place a directional off premise sign and a 19.5-square foot variance from the required 6-square foot per side for a directional sign; that it would be a 2 sided sign; that the business cannot be seen from the road; that the sign is located on Sawmill Road and Milton-Ellendale Hwy; that the sign can only be viewed from one direction; and that it is not visible from the eastern direction.

Harry Isaacs, III was sworn in and testified in support of the application and stated that he is in support of the application and that there are future plans for the warehouse located near the property to be torn down.

Mrs. Collins stated the office received 1 letter in support of the application.

By a show of hands 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 Case No. 9888 be **tabled to allow the applicant to measure for placement**. Vote carried 5 – 0.

Case No. 9889 – Samuel and Mary Hoffman- south of Route 54, east of Roosevelt Avenue, being Lot 28, Block 7 within Cape Windsor development.

A variance from the side yard setback requirement.

Mrs. Collins presented the case. Charles Cohen was sworn in and testified requesting a 8-foot variance from the required 10-foot side yard setback requirement; that the HVAC units are located on the north side of the home; that they had a variance approved in 2006; that when a survey was done it did not show the HVAC units; that the HVAC units encroach into the setback; and that it would be to expensive for them to be moved.

Mary Hoffman was sworn in and stated that she is the owner of the property and that her neighbors HVAC units are close to their property lines.

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

The Board found that no parties appeared in support of 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 variances have been granted in the area.** Vote carried 5 – 0.

Case No. 9890 – Gary and Kathy Cottingham- intersection of White Oak Drive and North Dogwood Drive, being Lot 148, Section 3 within Dogwood Acres development.

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

Mrs. Collins presented the case. Gary and Kathy Cottingham were sworn in and testified requesting a 0.5-foot variance from the required 20-foot rear yard setback requirement, a 3.4-foot variance from the required 15-foot setback for a corner lot, a 18.4-foot variance from the required 30-foot front yard setback requirement, and a 1.9-foot variance from the required 10-foot side yard setback requirement; that the screen room was constructed 10 years ago; that the applicant called the Planning & Zoning office and was told a permit was not needed; that a Certificate of Occupancy was issued for the rear encroachment; that currently the home is under construction; that they need approval for the variance for additional funding for the construction; that they have decorative ponds on the property; that they purchased the property 13 years ago; and that when the property was purchased it was vacant.

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

Case No. 9891 – Scott Eastman- west of Garden Lane, being Lot 91 within Green Acres development.

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

Mrs. Collins presented the case. JC Stover was sworn in on behalf of the applicant and testified requesting a 0.1-foot variance from the required 30-foot front yard setback requirement and a 0.4-foot variance from the required 10-foot side yard setback requirement; that the unit is a Class “C” home; that a Certificate of Occupancy was issued in 1992; and that the applicant just purchased the property.

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.

Case No. 9892 – Kenneth R. Stevens- west of U.S. Route 113, being Lots 6 and 13 within Juliann Acres development.

A variance from the side yard setback requirement.

Mrs. Collins presented the case. Kenneth Stevens was sworn in and testified requesting a 10-foot variance from the required 15-foot side yard setback requirement; that it is for a pole building; that it would allow for more turning radius; that the lot was purchased in 1994; and that it is currently vacant.

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 other variances have been granted**. Vote carried 5 – 0.

OLD BUSINESS

Case No. 9876 – S & E Gallo Family Limited Partnership- intersection of Route One and Bridge Road, being Lot 3 and part of Lot 2 within Middlesex Beach.

A variance from the landscape buffer requirement.

The Board discussed the case, which has been tabled since July 2, 2007.

Motion by Mr. Hudson, seconded by Mr. Mills, and carried unanimously that the variance be **denied**. Vote carried 5 – 0.

Meeting Adjourned @ 8:45 p.m.