



Board of Adjustment

Agendas & Minutes

MINUTES OF JUNE 11, 2007

A special meeting of the Sussex County Board of Adjustment was held on Monday June 11, 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 and Ms. Kelly Eaton – Recording Secretary.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously to approve the Agenda with the correction to move the Computer Instruction Discussion to the first order of business. Vote carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of June 4, 2007 as circulated. Vote carried 5 – 0.

The purpose of this special meeting was to discuss Old Business and to discuss Computer Instruction, Board of Adjustment Standards of Relief, Medical Hardship Placement of Manufactured Homes, and Letters to Contractors as Stipulated by Board of Adjustment, Sign Ordinance and Mobile Home Park Surveys.

DISCUSSION

Computer Instruction

The Board had an instructional lesson on the new touch screen computers located in the County Council Chambers; that the instructional lesson was taught by Eddie Sparpaglione – Director of Information Systems; that Mr. Sparpaglione explained to the Board that Board of Adjustment Case information will now be available to them on the computer; that the information will contain the application, maps and correspondence; and that the Board members will be able to access the information from a home computer using a username and password.

Mr. Mills suggested that when Old Business is placed on the Agenda that minutes from the last meeting be provided.

PUBLIC HEARINGS

Case No. 9839 – Anna Ward- north of Road 20A, east of Road 486A.

A variance from the minimum lot size requirement for a parcel.

The Board discussed the case, which has been tabled since May 21, 2007.

Motion by Mr. Mills, seconded by Mr. Workman and carried unanimously that the variance be **denied since it does not meet the standards for granting a variance.** Vote carried 4 – 1

Case No. 9845 – Kevin and Abby Allen- east of Road 447, east of Megan Way, being Lot 25 within Shiloh Woods II development.

A variance from the side yard setback requirement.

The Board discussed the case, which has been tabled since May 21, 2007.

Motion by Mr. Mills, seconded by Mr. McCabe and carried unanimously that the variance be **granted since it will not alter the character of the neighborhood and that a letter be sent to Pioneer Pole Building.** Vote carried 5 – 0.

Case No. 9846 – George G. Keen- Road 363, within Plantation Park Marina.

A variance from the minimum frontage along any tidal water body, river or their major tributaries.

The Board discussed the case, which has been tabled since May 21, 2007.

Motion by Mr. McCabe, seconded by Mr. Hudson and carried unanimously that the variance be **tabled until June 18, 2007.** Vote carried 5 – 0.

DISCUSSION

Board of Adjustment Standards for Relief

Mr. Rickard discussed with the Board members about changes to the Standards for Granting a Variance handout; that he stated all applicants will receive the handout as part of the application process; and that he stressed that the Planning & Zoning staff should be aware of the importance of the applicant completing the handout.

Mr. Mills referred to some changes needing to be made to the Board of Adjustment Standards for Relief handout. Mr. Mills stated that number 4-C should be moved to number 5-A and that the question for 4-C should now read as follows- Will the variance be detrimental to the public welfare? Mr. Mills stated he feels that the handout is a great idea for the applicants so they will understand the standards for granting a variance.

Medical Hardship Placement of Manufactured Homes

Mr. Rickard discussed with the Board members that Medical Hardship files are being brought up to date; that there are currently 43 cases that have expired; that the Chief Zoning Inspector has been assigned to make sure the follow up process is back in place; and that a printout will be presented to the Board of Adjustment on a monthly basis.

Letters to Contractors as Stipulated by Board of Adjustment

Mr. Rickard discussed with the Board about letters being sent to contractors as stipulated. Mr. Berl stated that letters to contractors are usually sent out when the finding of facts are mailed to the applicants; and that letters are only sent to contractors that obtained a building permit no more than 2 –3 years ago.

Mr. Mills and Mr. Callaway stated that the Board could possibly state the variance will be granted once the contractor information is received.

Sign Ordinance (Bandit Signs, etc.)

Mr. Rickard discussed with the Board about the Sign Ordinance and Bandit signs. Mr. Rickard stated that the State of Delaware currently has a blanket ordinance meaning anything in the Right of Way is in violation with the State. Mr. Rickard also stated that Council has given him a few things to work on and he has spoken to Mr. Berl about those. There was a discussion on charging \$25.00 for the violation of a sign and \$15.00 to pick the sign up if they wanted it back. Mr. Rickard will work on getting that together and giving it to a Council member so they may present it to County Council. Mr. Rickard has had Susan Isaacs working on the sign renewal invoices and stated that while she was out for a couple of months the invoices were sent out but not followed up on whether they have been paid or not. Mrs. Isaacs is still trying to correct that matter.

Mr. Mills inquired on whether the sign ordinance was being changed to include the flashing signs. Mr. Rickard stated it would include those.

Mobile Home Park Surveys

Mr. Berl discussed with the Board that the moratorium for Sea Air applications has finally been lifted. They worked out a deal with the owners of Sea Air and accepted the 1982 survey as an official one. Aerial photographs are being done to identify existing structures. Mr. Berl also stated that the Board should be insisting on mobile home park survey's to make sure they meet the standards and requirements.

Meeting Adjourned at 8:50