



Board of Adjustment

Agendas & Minutes

MINUTES OF JUNE 18, 2007

The regular meeting of the Sussex County Board of Adjustment was held on Monday June 18, 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, Mr. Mike Bailey, 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. McCabe, and carried unanimously to approve the Minutes of June 11, 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. 9864 – Alton D. White- west of Road 497 (Old Hickory Road), 250 feet north of Route 24.

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

Mrs. Collins presented the case. Alton D. White was sworn in and testified requesting to retain a manufactured home on a medical hardship basis; that the medical hardship was approved in 1999; that he forgot to renew it; that it is for his mother and father in-law; that the property is kept very neat; and that the manufactured home is located behind a row of trees.

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

Motion by Mr. Workman, seconded by Mr. McCabe, and carried unanimously that the special use exception be **granted for a period of 2 years**. Vote carried 5 – 0.

Case No. 9865 – Mary Catherine and Marianne Schap- east of Road 307, 412 feet north of Road 306A, being Lot 6 within Cannon Acres development.

A special use exception for a tourist home and a variance from the maximum number of rooms.

Mrs. Collins presented the case. Mary Catherine Schap and Marianne Schap were sworn in and testified requesting a special use for a tourist home and a variance from the number of rooms allowed in a Bed & Breakfast under the special use exception; that they are requesting to have a 8 rooms and 8 bathrooms; that the garage would be used as living quarters for the owners; that they would expand the septic system; that it would have off street parking; and that it will be operated year round.

Philip Messia was sworn in and stated he had question in regards to the case; that he owns the adjacent property; that he questions if pets will be allowed; and that if late night entertainment would take place.

Mary Catherine Schap stated that pets would not be permitted and also stated that late night entertainment will not be permitted and she will speak with Mr. Messia about what their plans are.

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

Motion by Mr. Mills, 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. Hudson, seconded by Mr. McCabe, and carried unanimously that the special use exception and variance be **granted since it will not substantially affect adversely the uses of adjacent and neighboring properties**. Vote carried 5 – 0.

Case No. 9866 – S. Carter Knotts- south of Route 22, being Lot 34, within White House Beach Mobile Home Park.

A variance from the side yard setback requirements.

Mrs. Collins presented the case. Cheryle and Carter Knotts were sworn in and testified requesting a 5-foot variance from the side yard setback requirement.

Mr. Callaway asked Mr. Rickard if survey's were still required when applications were brought to the Board. Mr. Rickard stated that the applicant was made aware of the process but still wanted to come speak to the Board.

There was a consensus of the Board that the application will not be heard until White House Beach provides a survey.

Motion by Mr. Hudson, seconded by Mr. McCabe, and carried unanimously that the application for Case No. 9866 be **tabled until a proper survey can be presented**.
Vote carried 5 – 0.

Case No. 9867 – Gordon and Wendy Kautz- north of Route 54, east of Keen-Wik Road, being ½ Lots 15 and 17, Block G, Subdivision 1 within Keen-Wik development.

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

Mrs. Collins presented the case. Gordon Kautz was sworn in and testified requesting a 8-foot variance from the required 30-foot front yard setback requirement and a 5-foot variance from the required 10-foot side yard setback requirement; that the circular steps encroach the setback; that the builder built the front steps 1-foot wider than projected; that he will most likely move the steps; and that other variances have been granted in the area.

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

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

Motion by Mr. McCabe, 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. McCabe, seconded by Mr. Hudson, and carried unanimously that the application for Case No. 9867 be **tabled until July 2, 2007**. Vote carried 5 – 0.

Case No. 9868 – William C. Hutchison- north of Swann Drive, west of Mallard Drive, being Lot 47, Block H within Swann Keys development.

A variance from the side yard setback requirement.

Mrs. Collins presented the case. William Hutchison was sworn in and testified requesting a 2-foot variance from the required 5-foot side yard setback requirement for a shed under 600-square feet; that the shed measures 8 x 8; that it will match the house; and that his neighbors have no objection.

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 variances be **granted since it will not alter the character of the neighborhood, since it is the minimum variance to afford relief and since several variances have been granted in the area.** Vote carried 5 – 0.

Case No. 9869 – Cedar Academy- east of Road 545 (Rifle Range Road), 1.5 miles east of U.S. Route 13.

A special use exception to place a manufactured home type structure as an office, library and media room.

Mrs. Collins presented the case. John Singleton and Christopher Duke were sworn in and testified requesting to use a mobile home type structure for an office, library and media room for a school; that the school has been operating since 1989; that it is a school for special needs children; that a new facility is planned to be built; that the manufactured home would be temporary; and that it will be specially manufactured.

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 special use exception be **granted since it will not substantially affect adversely the uses of adjacent and neighboring property.** Vote carried 5 – 0.

Case No. 9870 – Elizabeth C. Mumford- south of Road 322, 2525 feet east of Road 321.

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

Mrs. Collins presented the case. Leon McCabe and Elizabeth Mumford were sworn in and testified requesting to retain a manufactured home on a medical hardship basis; that the hardship was originally granted in 2001; that it has expired; and that there are currently 2 manufactured homes on the property.

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 for a period of 2 years with the stipulation that the other mobile home be removed by the end of the year.** Vote carried 5 - 0.

Case No. 9871 – Deborah and John Rice- southeast of Bridgeway Drive, being Lot 25 within Angola By The Bay development.

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

Mrs. Collins presented the case. Stephanie Perciful was sworn in and testified on behalf of the applicant requesting a 2.5-foot variance from the required 5-foot rear yard setback requirement, a 1.2-foot variance from the required 5-foot side yard setback requirement, a 0.9-foot variance from the required 30-foot front yard setback requirement and a 0.9-foot variance from the required 10-foot side yard setback requirement; that when the property was purchased a survey was done and the violations were discovered; and that other variances have been granted in the area.

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. 9872 – Walter S. Cullen and Jo C. Brown- south of Road 370, 1200 feet east of Road 370B.

A variance from the front yard setback requirement.

Mrs. Collins presented the case. Jo Brown was sworn in and testified requesting a 0.7-foot variance from the required 40-foot front yard setback requirement; that the home was built in 2005; that they received a certificate of compliance; and that the violation was discovered when she refinanced the home.

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. McCabe, seconded by Mr. Workman, 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. 9873 – Regina Faure and Veronica Calvert- Lot 188 within Angola Estates development.

A variance from the front yard setback requirement.

Mrs. Collins presented the case. Robert Faure was sworn in and testified requesting a 3-foot variance from the required 30-foot front yard setback requirement; that it was approved by Angola Beach Estates; and that the front porch encroaches the setback.

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

Motion by Mr. Hudson, 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.

OLD BUSINESS

Case No. 9846 – George G. Keen- 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. Workman, and carried unanimously that the variance be **granted since it will not alter the character of the neighborhood.** Vote carried 5 – 0.

Meeting Adjourned at 8:20 p.m.