



BOARD OF ADJUSTMENT

AGENDAS & MINUTES

MINUTES OF MARCH 15, 2010

The regular meeting of the Sussex County Board of Adjustment was held on Monday March 15, 2010, 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. Kelly Passwaters – Recording Secretary.

Motion by Mr. McCabe, seconded by Mr. Mills, and carried unanimously to approve the Revised Agenda as circulated. Vote carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously to table the Minutes of the March 15, 2010 meeting. 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. 10579 – Jacqueline Bacher and Patricia Hartman- east of Road 39 (Primehook Road), intersection of Front Street and Cedar Street, being Lot 27, Block E within Joseph D. Short 1st Addition development.

A variance from the front yard setback requirement.

Mrs. Isaacs presented the case. Jacqueline Bacher and Patricia Hartman were sworn in and testified requesting a 10-foot variance from the required 30-foot front yard setback requirement for a proposed dwelling; that they plan to tear down the existing structure and replace it with a new home; that they will upgrade the septic system; that it is a corner lot; and that the lot is unique in shape.

Wayne Steele was sworn in and stated that he owns the adjacent property; that he has no objections to the setback variance; and that he would like to see the septic system moved so it is not so close to his property.

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.

Case No. 10580 – Robert C. and Deborah L. Foxx- north of Road 283, east of Linden Lane, being Lot 5, Block U within Sandy Brae Addition 2 development.

A variance from the side yard setback requirement.

Mrs. Isaacs presented the case. Ken Owens was sworn in along with Doug Marshall, Attorney, and testified requesting a 0.2-foot variance from the required 10-foot side yard setback requirement for an attached shed; that the shed is attached to the house; that he did not realize a variance was needed; that a building permit was obtained for the shed; and that the shed looks better attached to the house.

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

Mrs. Isaacs stated the office received 7 letters in support of the application.

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

Case No. 10581 – Anthony Vasant- southeast of Road 266, north of Tradewinds Lane, being Lot 9 within Tradewind Estates development.

A variance from the side yard setback requirement.

Mrs. Isaacs presented the case. Anthony Vasant was sworn in and testified requesting a 5-foot variance from the required 15-foot side yard setback requirement for a garage; that the existing garage measured 40' x 15'; that he added an addition to the garage; that the addition measures 34' x 28'; and that he was not aware once he added the addition that he needed to be 15-foot from the property line.

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

Mrs. Isaacs stated the office received 1 letter in favor of the application.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be **granted since it is unique, since it will not alter the essential character of**

the neighborhood, since it enables reasonable use of the property and since it is the minimum variance to afford relief. Vote carried 5 – 0.

Case No. 10582- Donald J. and June Elardo- north of Route One, east of Anna B Street, being Lot 10, Block E within Dodds Addition development.

A variance from the front yard setback requirement.

Mrs. Isaacs presented the case. Donald and June Elardo were sworn in and testified requesting a 8.3-foot variance from the required 30-foot front yard setback requirement; that they would like to remove the existing porch and construct a new one; and that the porch with measure 25' x 12' with a 4' x 6' entry.

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 variance be **granted since it will not alter the essential character of the neighborhood, since it is unique, since it enables reasonable use the of the property and since it is the minimum variance to afford relief.** Vote carried 5 – 0.

Case No. 10583 – Charissa Joachimowski (Custodian) - southwest of Road 395, southeast of Bay View West, being Lot 25, Block 4 within Bayview Estates development.

A variance from the front yard setback requirement.

Mrs. Isaacs presented the case. Charissa Joachimowski was sworn in and testified requesting a 15.2-foot variance from the required 30-foot front yard setback requirement for a garage addition; that she is the executor of the estate; and that she was trying to close out the building permit and when a survey was done the violation was discovered.

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

Motion by Mr. Hudson, seconded by Mr. Mills, and carried unanimously that the variance be **granted since it is unique, 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. 10584 – David E. and Teresa Rowe- north of Road 270A, north of Ramblewood Drive North, being Lot 37 within Fieldwood development.

A variance from the side yard and rear setback requirements.

Mrs. Isaacs presented the case. David Rowe was sworn in along with Norman Barnett, Attorney, and testified requesting a 5-foot variance from the required 4.97-foot variance from the required 5-foot side yard setback requirement for a garage, an 8.5-foot variance from the required 10-foot side yard setback requirement for a garage and a 3.9-foot variance from the required 10-foot rear yard setback requirement for a garage; that the applicant purchased the property in October 2009; that the two (2) garages were constructed approximately twenty (20) years ago; that it would cause extreme hardship to correct the situation; and that building permits were obtained but a certificate of occupancy was not issued.

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

Case No. 10585 – Bridle Ridge Properties, LLC- west of Road 275, north of Sandcastle Cove, being Lot 262 within Henlopen Landing Phase 4 development.

A variance from the front setback requirement.

Mrs. Isaacs presented the case. Preston Dyer was sworn in and testified requesting a 5-foot variance from the required 30-foot front yard setback requirement; that the lots were originally approved for two (2) story homes with master suites on the 2nd floor; that due to the economy the prospective buyers are more interested in the master suites on the 1st floor; that there will be no impact on impervious areas; and that it will not alter adjacent subdivisions.

Sandra Spence was sworn in and testified in opposition and stated that Mr. Dyer did not know the square footage of the homes that will be constructed; that customers have an option of placing a home so a variance is not needed; that she sees no hardship; and that she lives in Seawood Estates.

In Rebuttal, Mr. Dyer stated that a variance is not needed for a square footage problem; and that the depth of the lot and the economy is the reason for a variance.

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

The Board found that 1 party appeared 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. Hudson, seconded by Mr. McCabe, and carried unanimously that the

variances be **granted for Case No. 10585 and Case No. 10574**. Vote carried 4 – 0. Mr. Workman abstained from voting.

Case No. 10586 – John I. and Suzanne E. Butler- south of Road 88, north of Polaris Lane, being Lot 17, Block K within Cave Colony development.

A variance from the side yard setback requirement.

Mrs. Isaacs presented the case. John and Suzanne Butler were sworn in and testified requesting a 3.2-foot variance from the required 15-foot side yard setback requirement for an addition; that they need to expand the home for there elderly mother; that a handicap access is needed; that it will measure 18' x 32'; and that it will consist of a sitting room, bath with handicap shower and recreational room.

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**. Vote carried 5 – 0.

OLD BUSINESS

Case No. 10574 – Bridle Ridge Properties, LLC- Bay Terrace, Pier Point, Sandcastle Cove and Seashore Lane, north of Salt Marsh Boulevard, being Lots 232 thru 261 and 263 thru 277, being within Henlopen Landing Phase 4 development.

A variance from the front yard setback requirement.

A motion was made and approved with Case No. 10585.

OTHER BUSINESS

Case No. 10548 – Jocelyn and Orvine E. Reidell, III- east of Route 22, east of Berry Street, being Lot 1 within Bay City Mobile Home Park.

A variance from the rear yard setback requirement and a variance from the maximum allowable lot coverage in a mobile home park.

This is a request for a rehearing.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the request for a rehearing be **denied as the park owner stated they would correct the situation at their cost.** Vote carried 4 – 1.

Case No. 10568 – Jonathan and Kathy Zeleznick- south of Road 358, north of Bow Street, 150 feet east of Wango Lane, being Lot 17, Section 2 within Holly Ridge Terrace development.

A variance from the side yard setback requirement.

This is a request for a rehearing.

Motion by Mr. Mr. Mills, seconded by Mr. Workman, and carried unanimously that the request for a rehearing be **granted and that the applicant shall re-apply and pay the application fee.** Vote carried 5 – 0.

Meeting adjourned at 8:25 P.M.