



BOARD OF ADJUSTMENT

AGENDAS & MINUTES

MINUTES OF MAY 17, 2010

The regular meeting of the Sussex County Board of Adjustment was held on Monday May 17, 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 Agenda as circulated. Vote carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously to table the Minutes of the May 3, 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. 10615 – Bayville Shores Associates LLC- northeast of Route 54, 635 feet east of Route 58B.

A special use exception to retain a manufactured home for a sales office.

Mrs. Isaacs presented the case. Mike Sasada was sworn in and testified on behalf of the applicant requesting a special use exception to retain a manufactured home for a sales office; that the applicant would like to retain the manufactured home as a sales office; that it would be for a two (2) year period; and that the project is still not complete.

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 two (2) years since it will not alter the essential character of the neighborhood.** Vote carried 5 – 0.

Case No. 10616 – Donald E. Cox- west of Route One, northwest of Atlantic Avenue being Lot E-40 within Sea Air Village Mobile Home Park.

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

Mrs. Isaacs presented the case. Donald Cox was sworn in and testified requesting a 4.1-foot variance from the required 20-foot separation requirement between units; that the shed is already placed on the property; that the shed measures 8' x 12'; that he obtained a building permit for the shed; and that the neighbors have no objection.

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. 10617 – Ralph Page- south of Route 54, east of Grant Avenue, being Lot 1, Block 6 within Cape Windsor development.

Mrs. Isaacs presented the case. Ralph Page and Al Pantall were sworn in along with Raymond Tomasetti, Jr., Attorney, and testified requesting a 3-foot variance from the required 15-foot side yard corner setback requirement for an existing dwelling, a 4.1-foot variance from the required 20-foot rear yard setback requirement for an existing dwelling, a 3-foot variance from the required 20-foot rear yard setback requirement for a deck and a 0.2-foot variance from the required 15-foot side yard corner setback requirement for a shed; that the property is unique in shape; that when a survey was done at settlement the violation was discovered; that the previous owners obtained all building permits and certificate of occupancy's; that they have not obtained a building permit for the shed; and that it is a corner lot.

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

Case No. 10618 – Christ's Sanctified Holy Church- northwest of Route 54, east of Pyle Center Road.

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

Mrs. Isaacs presented the case. Roy Chandler was sworn in and testified requesting a 27.3-foot variance from the required 40-foot front yard setback requirement and a 9.9-foot variance from the required 20-foot rear yard setback requirement; that the church was built around 1850; that the church does not have a rear door or rest room; that he would like to construct a rear door, rest room and handicap ramp; that he has received approval from the historical society; that the lot is unique in size and shape; and that the neighbors do not object.

The Board found that 2 parties 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. Hudson, and carried unanimously that the variances be **granted 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. 10619 – R. Paul Dean- west of Road 274, west of C Street, being Lot C-14 within Rehoboth Bay Mobile Home Park.

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

Mrs. Isaacs presented the case. R. Paul Dean was sworn in and testified requesting a 5-foot variance from the required 20-foot separation requirement between units from Lot C16 manufactured home, steps and AC unit, a 6-foot variance from the required 20-foot separation requirement from manufactured home on Lot D13, and a 7.2-foot variance from the required 20foot- separation requirement from the shed on lot D13; that he would like to construct an addition on the manufactured home; that he would like to keep the appearance symmetrical; and that the neighbors do not object.

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

Motion by Mr. Workman, seconded by Mr. Hudson, 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. Mills, and carried unanimously that the variances be **granted since the lot is unique in size, since it enables reasonable use of the property, and since it will not alter the essential character of the neighborhood.** Vote carried 5 – 0.

Case No. 10620 – William L. McCabe- southwest of Road 337, being Lot 7.

A variance from the side yard setback requirement.

Mrs. Isaacs presented the case. William McCabe was sworn in and testified requesting a 10-foot variance from the required 15-foot side yard setback requirement for a detached garage; that he plans to construct a new detached garage and dwelling; that the detached garage will measure 35' x 38'; that the property has a combined entrance; and that the septic system will be located to the left of the proposed garage.

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 meets the standards for granting a variance**. Vote carried 5 – 0.

Case No. 10621 – Doug Meushaw- south of Route 54, west of Grant Avenue, being Lot 59, Block 6 within Cape Windsor development.

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

Mrs. Isaacs presented the case. Bruce Stoehr was sworn in and testified on behalf of the applicant requesting a 5-foot variance from the required 10-foot side yard setback requirement for a proposed dwelling, an 8-foot variance from the required 5-foot side yard setback requirement, and a 5-foot variance from the required 20-foot rear yard setback requirement for a screen porch; that the applicant plans to construct a 28' x 40' dwelling; that the lot measures 50' x 90'; that the HVAC unit would extend into the setback; that the open deck and screen porch will measure 12' x 28'; and that the neighborhood was originally created for singlewide mobile homes.

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 essential character of the neighborhood, and since many variance have be granted in the area**. Vote carried 5 – 0.

Case No. 10622 – Bonita Sponsler and Harry Lartz- west of Road 327, west of Dogwood Acres Road, being Lot 4 within Rolling Acres development.

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

Mrs. Isaacs presented the case. Bonita Sponsler was sworn in along with Shannon Carmean, Attorney, and testified requesting a 5.5-foot variance from the required 10-foot side yard setback requirement for a detached garage and a 4.4-foot variance from the required 10-foot rear yard setback requirement; that the applicants purchased the home in July 2002; that the survey submitted is consistent with the 1974 survey; that Ms. Sponsler was told by the contractor that they had a 5-foot setback requirement; that Mrs. Sponsler trusted that the work done by the contractor would meet code requirements and be in compliance; that the original contractor did not complete the job requiring the applicants to hire a new one; that if the variance was not granted a portion of the garage would have to be removed; that the garage will be used for storage; that the contractor suggested the

garage have a 2nd electric meter; that the garage will not be used as an apartment; and that the lot is narrow.

Bessie Calhoun was sworn in and testified in opposition to the application and stated that due to the building being so close to the property line there is excessive water run off.

Denise Calhoun was sworn in and testified in opposition stating that her husband tills the farm behind the applicant's property; and that there is water run off from the garage onto the farm.

Donna Grace was sworn in and testified in opposition stating that the Board determined unanimously to deny the previous variance request; the Board found that the applicants created the need for a variance; that the property is not unique; that the property can be used reasonably without the need for a variance; and that the applicants are a broker and/or real estate agent and should know the zoning codes.

The Board found that 5 parties appeared in support of the application.

Mrs. Isaacs stated the office received 2 letters in favor of the application.

Mrs. Isaacs stated the office received a petition with 28 signatures in support of.

The Board found that 3 parties appeared in opposition to the application.

Mr. Mills made a motion to deny due to not meeting the standards for granting a variance but died due to a lack of seconded. The case was **tabled**.

Case No. 10623 – Bruce E. Heal- south of West Side Avenue, west of Route 22B, being Lot 11 within Square Rigger Park (Westside Mobile Home Park).

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

Mrs. Isaacs presented the case. Bruce Heal was sworn in and testified requesting a 9-foot variance from the required 20-foot separation requirement between units in a mobile home park; that he placed a shed on his property for his son to store his personal belongings; that the shed measures 12' x 20'; and that the manufactured home measures 12' x 35'.

The Board found that 2 parties 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. McCabe, and carried unanimously that the variance be **granted since it meets the standards for granting a variance**. Vote carried 5 – 0.

Meeting Adjourned at 8:15 P.M.