

## MINUTES OF MAY 7, 2012

The regular meeting of the Sussex County Board of Adjustment was held Monday, May 7, 2012, 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. John Mills, Mr. Brent Workman, Mr. Jeff Hudson, and Mr. Norman Rickard, with James Sharp – Assistant County Attorney, and staff members Mrs. Susan Isaacs – Chief Zoning Inspector, and Mrs. Jennifer Norwood – Recording Secretary.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously to approve the Revised Agenda, with Case No. 10969 –Jim Reiter/Doggies at the Beach being withdrawn on May 1, 2012 as circulated. Motion carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of April 16, 2012 as circulated. Motion carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Rickard, and carried unanimously to approve the Finding of Facts of April 16, 2012. Motion carried 5 – 0.

Mr. Sharp read a statement explaining how the Board of Adjustment meeting is conducted and the procedures for hearing the cases.

## PUBLIC HEARINGS

**Case No. 10970 – Ingrid C. Gordon & Leon Miranian** – south of Road 635 (Rust Road) approximately 781 feet west of Sussex County Road 621 (Calhoun Road).

A variance from the side yard setback requirement.

Mrs. Isaacs presented the case. Leon Miranian was sworn in and testified requesting a 0.4-foot variance from the required 15-foot side yard setback requirement for an existing detached garage; that he purchased the lot January 13, 2012; that a survey done for settlement showed the encroachment; that the previous owner obtained a building permit and a Certificate of Compliance for the garage; that to bring the garage into compliance would be very costly; that it was not created by the Applicant; that it will not alter the character of the neighborhood; and that it is the minimum variance to afford relief.

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

Mrs. Isaacs stated that the office received 1-letter in support of the application.

Mr. Rickard stated that he would move the Board recommend approval of Variance Application No. 10970 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The uniqueness in that the Certificate of Compliance was issued;
2. The variance will enable reasonable use of the property;
3. The difficulty was not created by the Applicant;
4. The variance, if granted, will not alter the character of the neighborhood; and
5. The variance is the minimum variance to afford relief.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the variance be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Mills – yea, Mr. Hudson – yea, Mr. Rickard – yea, Mr. Workman – yea, and Mr. Callaway – yea.

**Case No. 10971 – Donald P. Neill** – south Road 277 (Angola Road) east of Boat Dock Court West, being Lot 6 & ½ Lot 5 within Angola by the Bay development.

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

Mrs. Isaacs presented the case. Donald Neill was sworn in and testified requesting a 2.9-foot variance from the required 5-foot rear yard setback requirement and a 2-foot variance from the required 5-foot side yard setback requirement for a proposed detached garage; that he purchased the property in 1977; that the existing septic system and the need for a variance have prevented them from building the proposed garage; that they now have sewer available to the property and the septic system has been removed; that the proposed garage will be used to store his boat; that the neighbor's and the Homeowner's Association support the application; that the lot is unique in shape; that the proposed garage will not alter the character of the neighborhood; and that it is the minimum variance to afford relief.

The Board found that 1-party appeared in support of the application.

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

Mr. Hudson stated that he would move the Board recommend approval of Variance Application No. 10971 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The property is unique in shape;
2. The variance will enable reasonable use of the property;
3. The difficulty was not created by the Applicant;

4. The variance, if granted will not alter the character of the neighborhood; and
5. The variance is the minimum variance to afford relief.

Motion by Mr. Hudson, seconded by Mr. Rickard, and carried unanimously that the variances be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Mills – yea, Mr. Hudson – yea, Mr. Rickard – yea, Mr. Workman – yea, and Mr. Callaway – yea.

### **OLD BUSINESS**

**Case No. 10772 – Paul Graves Carey** – north of Route 9, (Beaver Dam Road), 0.25 feet, west of Delaware Route One, being Lot 1 thru 185 within Deep Valley Farm development.

A variance from the side yard setback requirement, a variance from the maximum height requirement and the placement of a third subdivision sign.

Request for a time extension.

Mrs. Isaacs read a letter from the Applicant requesting a 1-year time extension.

Mr. Rickard abstained from voting.

Mr. Mills stated that he would move that the Board recommend approval of the time extension request for Variance Application No. 10772 for a period of one (1) year.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the time extension be granted for a period of one (1) year. Motion carried 4 – 0.

The vote by roll call; Mr. Workman – yea, Mr. Mills – yea, Mr. Hudson – yea, and Mr. Callaway – yea.

**Meeting Adjourned 7:25 p.m.**