



BOARD OF ADJUSTMENT

AGENDAS & MINUTES

MINUTES OF NOVEMBER 19, 2007

The regular meeting of the Sussex County Board of Adjustment was held on Monday November 19, 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. Melissa Thibodeau and Mrs. Kelly Passwaters – Recording Secretary.

Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously to approve the Agenda. Vote carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of November 5, 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. 9983 – Lisa Morris- southwest of Route One, northeast of Old County Road (Road 272-B), being Lot 5 within Kings Row development.

A variance from the front yard setback requirement for a through lot.

Mrs. Thibodeau presented the case. Lisa and James Morris were sworn in and testified requesting a 30-foot variance from the required 40-foot setback requirement for a through lot; that they are adding a 2nd floor to the existing dwelling; that the home was built in the 1970's; that they received a letter in support from the Homeowners Association; and that other homes in this project have added 2nd story addition.

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

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the variance be **granted since it meets the standards for granting a variance**. Vote carried 5 – 0.

Case No. 9984 – State of Delaware- south of U.S. Route 113.

A special use exception for expansion of a non-conforming use.

Mrs. Thibodeau presented the case. Stephen Johns and Richard Glazeski were sworn in and testified requesting a special use exception for expansion of a non-conforming use; that the use would be used for security; that the current building is too small; that it is also outdated; that it will not exceed 25% of the existing square footage; and that there will be additional parking on the back side of the building.

Mrs. Thibodeau stated the office received 1 letter 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 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. 9985 – Francis Albanese- east of Road 279, being Lot 1 within Angola Neck Acres development.

Mrs. Thibodeau presented the case. Francis Albanese and Edward Samsel were sworn in and testified requesting a 7-foot variance from the required 40-foot front yard setback requirement; that the building has already been framed; and that he did not realize setbacks were not being met until a letter was received from the County.

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. 9986 – Wayne Kline- west of Road 409, 537 feet south of Route 24.

A variance from the minimum lot size requirement to place a manufactured home.

Mrs. Thibodeau presented the case. Wayne Kline was sworn in and testified requesting a 10,270-square foot variance from the required 32,670-square foot requirement in a AR1 district; that the doublewide currently on the property was placed in 2004 on a medical hardship basis; that his mother is no longer living in the doublewide; that the other home on the property is being use for storage only; and that the home used for storage will eventually be torn down.

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 with the stipulation that the other dwelling on the property be used for storage only and since it will not alter the essential character of the neighborhood and since it enables reasonable use of the property.** Vote carried 5 – 0.

Case No. 9987 – Kids Cottage LLC- southeast of Road 270, northeast of Coastal Highway.

A special use exception for expansion of an existing day care center.

Mrs. Thibodeau presented the case. Lori Schell and Taryn Burris were sworn in and testified requesting a special use exception to increase the number of children in a day care center to 100; that they opened in 2005; that they would like to increase to 100 children; that the children range in age from 2 to 12 years old; that not all 100 children would be in the center at the same time; and that the building is 12,000-square feet.

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.** Vote carried 5 – 0.

Case No. 9988 – Travis S. Martin (Delmarva Land Co.)- northeast of U.S. Route 113, corner of Route 54A.

A variance from the front yard setback requirement for a through lot.

Mrs. Thibodeau presented the case. Travis Martin was sworn in along with James Fuqua, Attorney, and testified requesting a 45-foot variance from the required 60-foot front yard setback requirement on a through lot; that the parcel fronts on Route 113; that he would like to build a new building; that the building will meet the 60-foot setback on Route 113; that it is a unique shaped lot; that the parcel has roads on three sides; and that he feels the proposed building will dress up the community.

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

Case No. 9989 – Complete Auto Recovery Services, Inc.- east of U.S. Route 113,
1,700 feet south of Road 380.

A special use exception to place two (2) manufactured home type structures as sales office.

No one appeared on behalf of the application.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the case be **denied due to the lack of a record of support**. Vote carried 5 – 0.

Case No. 9990 – Linda I. Stewart- east of Road 434A, 570 feet south of Road 472.

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

Mrs. Thibodeau presented the case. Linda Stewart and John Beattie were sworn in and testified requesting to retain a manufactured home on a medical hardship basis; that her son lives in the mobile home; and that it has been on the property for 8 years.

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 special use exception be **granted for a period of 2 years**. Vote carried 5 – 0.

Case No. 9991 – John and Linda Brzoska- south of Woodland Circle, west of Elmwood Avenue West, being Lot 16 and ½ Lot 15, Block C within Angola By The Bay development.

A variance from the side yard setback requirement.

Mrs. Thibodeau presented the case. John Brzoska was sworn in and testified requesting a 0.8-foot variance from the required 5-foot side yard setback requirement for an accessory structure under 600-square foot; that he was approved for a variance for the front yard in 2006; that the existing garage does not meet setback requirements; that the garage was built in the 1970's; and that he would like to enlarge the garage.

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**. Vote carried 5 – 0.

Case No. 9992 – Judith B. Manspeaker- east of Sioux Drive, 490 feet north of Warwick Drive, being Lots 6 and 7, Block C within Warwick Park development.

A variance from the side yard setback requirement.

Mrs. Thibodeau presented the case. Leslie DiPetro, Attorney, testified requesting a 0.1-foot variance from the required 15-foot side yard setback requirement; that the parcel is unique in shape; that the home was constructed in 1986; that the property is being sold; that when a survey was done the encroachment was discovered; and that a certificate of occupancy was issued.

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

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the variance be **granted since it meets the standards for granting a variance**. Vote carried 5 – 0.

Case No. 9993 – Dave and Lynn Grider- southeast of Road 277, 1,045 feet south of Road 275.

A variance from the side yard setback requirement.

Mrs. Thibodeau presented the case. Dave Grider was sworn in and testified requesting a 7.5-foot variance from the required 15-foot side yard setback requirement; that it is for a proposed garage; that he would like there to be a distance between the proposed garage and existing shed; that the garage will measure 2000-square feet; that it will be used to store antique cars; and that it would have 5 bays.

Mr. Rickard advised Mr. Grider that in order to have 5 bays he would need to apply for a special use exception, but he would be allowed to have 4 bays.

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 to have the hearing left open for the applicant to discuss with his wife. Vote carried 5 – 0.

Mr. Grider stated he would make it 4 bays so a special use exception would not be needed.

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

Case No. 9994 – John N. McCamant, Jr.- northeast of Canvasback Road, being Lot 35, being Block D within Swann Keys development.

A variance from the side yard setback requirement.

Mrs. Thibodeau presented the case. John McCamant was sworn in and testified requesting a 7-foot variance from the required 10-foot side yard setback requirement; that the existing manufactured home is a 1972; that he would like to replace it with a doublewide; and that he has received a letter of approval from Swann Keys.

Mrs. Thibodeau stated the office received 1 letter 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 variance be **granted since other variance have been approved in the area.** Vote carried 5 – 0.

At the conclusion of the public hearings, Mr. Rickard discussed with the Board about having a special meeting on December 10 to clean up the pending files. The Board members agreed to have a special meeting.

Meeting Adjourned at 8:25 p.m.