



# BOARD OF ADJUSTMENT

## AGENDAS & MINUTES

### MINUTES OF NOVEMBER 21, 2011

The regular meeting of the Sussex County Board of Adjustment was held on Monday, November 21, 2011, 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. Jennifer Norwood – Recording Secretary.

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

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of November 7, 2011 as circulated. Vote carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Findings of Facts of October 3, 2011. 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. 10899 – William Michael Davis & Richard E. Bryant** – north of Hebron road, west of Worcester Road, being Lot 255 within Canal Point development.

A variance from the side yard setback requirement.

Mrs. Isaacs presented the case. Zach Crouch and Todd Hickman were sworn in and testified requesting a 0.8-foot variance from the required 10-foot side yard setback requirement for an existing dwelling; that the development was designed in October 2004 for DR Horton Builders; that in 2007 adjustments were made to the lot sizes to accommodate NV Homes structures; that CNA, Inc. staked out the dwelling based on the original site plan not aware of the revised record plan; that after the final survey was completed they discovered the dwelling did not meet the required setback requirements; that in 2009 they tried to purchase property from the

adjacent neighbor to bring the dwelling into compliance; that the neighbor was not interested; that the variance will not alter the character of the neighborhood; that it was not created by the Applicant; 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.

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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. 10900 – Cellco Partnership d/b/a Verizon Wireless** – east of Road 494 (Dickerson Road) approximately 0.75 miles north of Road 501 (St. George Road) and approximately 0.6 miles south of Route 24.

A special use exception for a telecommunication tower.

Mrs. Isaacs presented the case. John Tracey, Attorney, was present on behalf of the Applicant, with Pamela Busler, Andrew Petersohn, Sue Manchel and Kenneth Farrell, who were sworn in and testified, requesting a special use exception for a telecommunications tower; that the proposed tower will measure 140-foot with a 5-foot lightning rod; that the proposed location is Zoned AR-1 and is on a 104-acre active farm; that the proposed tower will be approximately 2,200-feet from the nearest residence; that the tower is necessary to provide reliable coverage; that there are no available sites for colocation; that the proposed location will not impact the existing irrigation system; that there will be a fenced in 50' x 50' compound at the base of the tower; that there will be an equipment shelter within the compound; that the tower will provide 2-other companies to collocate; that the tower is constructed to collapse upon itself; that Mr. Tracey read a letter from Vincent Properties in support into the record; and that the tower will not substantially affect the surrounding properties.

The Board found that 21-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. Hudson, and carried unanimously that the special use exception be **granted since it meets the standards for granting a special use exception**. Vote carried 5 – 0.

**Meeting Adjourned 8:50 p.m.**