



BOARD OF ADJUSTMENT

AGENDAS & MINUTES

MINUTES OF JULY 25, 2011

The regular meeting of the Sussex County Board of Adjustment was held on Monday July 25, 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, Mr. Dean Malloy, Zoning Inspector and Mrs. Kelly Passwaters – 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 table the Minutes of the July 11, 2011 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. 10823 – Coastal Highway, LLC- west of Route 1 (Coastal Highway) approximately 1,100 feet southwest of Road 88 (Cave Neck Road).

A special use exception for an outdoor display.

Mr. Malloy presented the case. Richard Bell was sworn in and testified requesting a special use exception for an outdoor display; that he is the owner of a paver company; that they decided to start selling and installing swimming pools; that he received a letter about the swimming pool being used for display purposes; that there are no visibility issues; and that the surrounding properties are zoned commercial.

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 five (5) years since it will not**

substantially affect the uses of adjacent and neighboring properties. Vote carried 5 – 0.

Case No. 10824 – Richard & Phyllis Carmine- south of Route 462 approximately 210 feet east of intersection of County Route 462 and Route 461.

A special use exception to replace a security manufactured home.

Mr. Malloy presented the case. Richard Carmine was sworn in and testified requesting a special use exception to replace a security manufactured home; that he would like to replace the existing 14' x 70' manufactured home; that the existing manufactured home has been there for twenty-five (25) years; and that the manufactured home is needed due to storage of materials on the property.

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 five (5) years since it will not substantially affect the uses of adjacent and neighboring properties.** Vote carried 5 – 0.

Case No. 10825 – Barbara H. Wood- south of Route 277 northeast of Boat Dock Court East being Lot 15 Block ZZ within Angola By The Bay development.

A variance from the front yard setback requirement.

Mr. Malloy presented the case. Barbara Wood was sworn in along with Norman Barnett, Attorney, and testified requesting a 8.2-foot variance from the required 30-foot front yard setback requirement; that the applicant purchased the home in April 2011; that the home was built in 1984; that the previous owner attached a deck to an existing screen porch; and that the deck was built to be used as a walkway.

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.

Case No. 10826 – Gerald H. & Sylvia A. Smith- north of Road 297 (Oak Orchard Road) southeast of Cannon Street.

A variance from the front yard and side yard setback requirement.

Mr. Malloy presented the case. Gerald Smith and Robert McVey were sworn in along with Dan Myers, Attorney, and testified requesting a 1.7-foot variance from the required 30-foot front yard setback requirement, a 0.6-foot variance from the required 10-foot side yard setback requirement, and a 3.5-foot variance from the required 5-foot side yard setback requirement for a open deck; that the lot is under sized and unique in shape; that the manufactured home was placed in 2007; that the certificate of occupancy was issued in June 2007; that Manufactured Housing Concepts placed the manufactured home; and that the variance approval will not affect the property values.

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

Motion by Mr. Hudson, 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. 10827 – Bayshore Inc. – north of Road 358 (Sandy Cove Road) south of Possum Street, being Lot 52 within Bayshore Mobile Home Park.

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

Mr. Malloy presented the case. Brett Cox was sworn in and testified requesting a 1.9-foot variance from the required 20-foot separation requirement between units in a mobile home park for a proposed deck; that the deck will not meet the separation requirement from the unit on Lot 53; that an 8-foot wide deck will give the tenant more room; and that the park approves the application.

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

Mr. Malloy stated that the office received 1-letter of 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. 10828 – Bayshore Inc. – north of Road 358 (Sandy Cove Road) south of Possum Street, being Lot 287 within Bayshore Mobile Home Park.

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

Mr. Malloy presented the case. Brett Cox was sworn in and testified requesting a 1.9-foot variance from the required 20-foot separation requirement between units in a mobile home park for a proposed deck; that the deck will not meet the separation requirement from the unit on Lot 288; that an 8-foot deck will give the tenant more room; and that the park approves the application.

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

Mr. Malloy stated that the office received 1-letter 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. 10829 – Jasper Womach – west of Route 1 (Coastal Highway)southeast corner of Gateway Drive and Manor Drive being Lot 9 within Country Manor development.

A variance from the front yard setback requirement.

Mr. Malloy presented the case. Jasper Womach was sworn in and testified requesting a 0.22-foot variance from the required 30-foot front yard setback requirement for a non-conforming dwelling and a 5.56-foot variance from the required 30-foot front yard setback requirement for a proposed pergola; that the dwelling was built in the 1960's; that he wants to replace the existing porch; that the proposed pergola will improve the character of the neighborhood; and that he received the Homeowner's Association's approval.

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

Case No. 10830 – Harrison & Rosa Gale – northeast of Road 351 east of Baltimore Avenue, being Lot 32 within Banks Acres development.

A variance from the side yard setback requirement.

Mr. Malloy presented the case. Harrison and Rosa Gale were sworn in and testified requesting a 2-foot variance from the required 5-foot side yard setback requirement for an existing detached garage; that the detached garage was constructed by the previous owner; that the garage was built in 1982; that the garage would have to be

torn down to correct the setback violation; and that the existing shed would have to be moved.

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

OLD BUSINESS

Case No. 10769 – Cellco Partnership d/b/a Verizon Wireless – south of Road 557 (Briarhook Road) approximately 1,650 feet west of Road 30 (Atlanta Road).

A special use exception to place a telecommunications monopole.

The Board discussed the case which has been tabled since July 11, 2011.

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

Case No. 10818 – Keith Properties – south of Route 54 south of Water Walk Way being Lot 23 within Fenwick Shoals development.

A special use exception to place a temporary building for sales office and storage.

The Board discussed this case which has been tabled since July 11, 2011.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the special use exception be **denied since it will substantially affect adjacent properties**. Vote carried 5 – 0.

Meeting Adjourned 8:35 p.m.

