



# BOARD OF ADJUSTMENT

## AGENDAS & MINUTES

### MINUTES OF MARCH 7, 2011

The regular meeting of the Sussex County Board of Adjustment was held on Monday March 7, 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, 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. Hudson, and carried unanimously to approve the Revised Agenda as circulated. Vote carried 4 – 0.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to table the Minutes of the February 28, 2011 meeting. Vote carried 4 – 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. 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.

Mrs. Isaacs presented the case. Heidi Gilmore, Attorney, Paul Graves Carey and Mark Davidson were sworn in and testified requesting a 23-foot variance from the required 42-foot maximum requirement for a silo and a variance for the placement of a third subdivision sign; that the side yard variance is no longer needed; that the parcel was previously a fully operational farm; that the subdivision will have three (3) entrances; that two (2) silo's will be placed in two (2) traffic circles; that the silo's will only be 18-foot in diameter and will not impact traffic; that the silo's are for aesthetics

only; that the closest lot is approximately 105-feet away; and that each subdivision entrance sign will look the same and will have a landscaped island.

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 for the height requirement and placement of a third subdivision sign be **granted since it meets the standards for granting a variance**. Vote carried 4 – 0.

**Case No. 10773 – Rodger and Jennifer McMahan-** north of intersection Route Sixteen, southeast of Road 227.

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

Mrs. Isaacs presented the case. Rodger and Jennifer McMahan were sworn in and testified requesting a 10-foot variance from the required 40-foot setback requirement; that they would like to construct a pole building; that the proposed location would allow for better access to the garage due to the location of the driveway; that there are underground propane tanks located approximately 12-feet from the house; that the lot is irregular shaped; that the adjacent property is farm land; and that the back portion of the lot has flooding problems.

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 since it meets the standards for granting a variance**. Vote carried 4 – 0.

**Case No. 10774 – Steven and Suzette Daniels-** south of Road 277, north of Holly Way West being Lot 49, Block O, Section 2 within Angola Bay development.

A variance from the front yard setback requirement.

Mrs. Isaacs presented the case. Shannon Carmen, Attorney, testified on behalf of the applicant requesting a 4.8-foot variance from the required 30-foot front yard setback requirement; that the property was recently sold; that the previous owners constructed a deck in 1983 or 1984; that they did not obtain a building permit; that the new owners were not aware of the violation until settlement; that the lot is unique in shape and is located on a cul-de-sac; that the deck serves as access into the home; and that the Homeowners Association 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 4 – 0.

**Case No. 10775 – Cedar Creek Bait and Tackle, LLC-** east of Road 203, 1650 feet, north of Road 36.

A special use exception to use a mobile home type structure for a business.

**WITHDRAWN FEBRUARY 23, 2011**

**Case No. 10776 – Dennis Toner-** north of Canal Crossing Road, east of Fillingame Way, being Lot 60 within Canal Corkran development.

A variance from the front yard setback requirement.

Mrs. Isaacs presented the case. Dennis Toner was sworn in and testified requesting a 2-foot variance from the required 30-foot front yard setback requirement; that the home was constructed approximately five (5) years ago; that the home does not have a office/study; that the proposed addition will measure 17' x 13 ½'; and that the Homeowners Association and the adjacent neighbor have no objection.

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 will not alter the essential character of the neighborhood and since it is the minimum variance to afford relief**. Vote carried 4 – 0.

### **OLD BUSINESS**

**Case No. 10762 – Sara Costello-** southwest of Route 54, northeast of Roosevelt Avenue, being Lot 17 within Cape Windsor development.

A variance from the side yard setback requirement.

The Board discussed the case, which has been tabled since February 28, 2011.

Motion by Mr. McCabe, seconded by Mr. Hudson and carried unanimously that the variance be **granted since the lot is unique, since the lot size was not created by the applicant, and since it will not alter the essential character of the neighborhood.**  
Vote carried 4 – 0.

**Case No. 10763 – Dave Costello-** southwest of Route 54, northwest of Grant Avenue, being Lot 31, within Cape Windsor development.

A variance from the side yard setback requirement.

Motion by Mr. McCabe, seconded by Mr. Hudson and carried unanimously that the variance be **granted since the lot is unique, since the lot size was not created by the applicant, and since it will not alter the essential character of the neighborhood.**  
Vote carried 4 – 0.

**MEETING ADJOURNED AT 8:20 P.M.**