

Minutes of November 16, 1998

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, November 16, 1998 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:05 P. M. with Chairman McCabe presiding. The Board members present were: Mr. McCabe, Mr. Callaway, Mr. Mills, Mr. Hudson, Mr. Wheatley, Mr. Berl-Esquire, Mr. Rickard-Chief Zoning Inspector and Mrs. Talley-Recording Secretary.

Mr. McCabe asked for any additions or changes to the agenda. Hearing none, motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that the agenda for November 16, 1998 be adopted. Vote 5-0.

Motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously that the minutes of November 2, 1998 be approved as circulated. Vote 5-0.

Mr. McCabe read a resolution honoring former Board Member, Margaret Hudson, who retired.

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

Case No. 6734--Dorsey Hilliard - South of Road 390, 800 feet southwest of Road 389.

A special use exception to connect two manufactured homes to make one unit.

The case was presented by Mr. Rickard. Dorsey Hilliard of Selbyville, was sworn in and testified requesting to connect a 12'x 60' manufactured home to an existing 10'x 50' manufactured home to become one unit. He stated that there will be an A-Roof, same siding, block foundation, one kitchen and it will take him approximately six months to complete the work. Mr. Hilliard stated that his mother's house is next door. He stated that when family visits he has as many as 10 people at one time and more space is needed. He stated that he has no problem with putting a block foundation in or meeting the requirements to connect the manufactured homes.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously that the special use exception be granted with the following stipulations: Must have an A-Frame roof, exterior siding to be the same on both units, block foundation, one kitchen and to be completed within one (1) year. Vote 5-0.

Case No. 6735--Elaine Muncy - South of Road 224-B, 250 feet south
of Road 224.

A variance from the minimum square footage
requirement for lot size.

The case was presented by Mr. Rickard. Robert K. Muncy of Houston, was sworn in and testified representing his mother Elaine Muncy. The applicant requested a variance from the square footage requirement for lot size to subdivide a parcel into three lots. Lot 1, needs a variance of 10,685 sq. ft., Lot 2 needs a variance of 10,876 sq. ft. and Lot 3 needs a variance of 10,814 sq. ft. All of the new lots meet the 150' frontage requirement. Mr. Muncy stated that the lots will be uniform with other property in Argos Corner. The applicant wants to put homes on the lots and sell them as a package. There is open farmland and other residences in the area.

There were no parties present in opposition.

Motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that the variances be granted. Vote 5-0.

Case No. 6736--James, Jr. & Anna McIlreavy - East of Route 23, 845
feet south of Road 280, Lot 6.

A variance from the side yard setback requirement.

The case was presented by Mr. Rickard. James McIlreavy, Jr. was sworn in and testified requesting a 5' variance from the 15' side yard setback for a proposed garage. Mr. McIlreavy is proposing to construct a 27'x 34' garage to be 10' from his property line. It will be located where his existing driveway is now. He stated that it will have the same exterior appearance as the house. Pictures were shown.

Mr. Rickard read letters in support from neighbors Jacob Maurer and Mary McQuait.

There were no parties present in opposition.

Motion was made by Mr. Hudson, seconded by Mr. Callaway and carried unanimously that the variance be granted. Vote 5-0.

Case No. 6737--Virgil J. Wilson - West of Road 463, 2,400 feet
north of Road 451, Lot 4.

A special use exception to connect two
manufactured homes to make one unit.

The case was presented by Mr. Rickard. Virgil J. Wilson of Laurel was sworn in and testified requesting to connect a 12'x 70' manufactured home to an existing 14'x 55' manufactured home to become one unit.

Mr. Rickard read a letter in support signed by five neighbors.

Mr. Wilson stated that the unit will have one kitchen, will be anchored, have a block foundation, A-Frame roof and matching siding. He questioned the type of roof saying he may put a metal roof on the units. He stated that the work should be completed within one year.

The Board stated that they have no preference to the type of roof.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously that the special use exception be granted with the following stipulations: Must have an A-Roof, same siding on both units, block foundation, 1 kitchen and be completed within 1 1/2 years. Vote 5-0.

Case No. 6738--Douglas K. Marvil - Northwest of Route 24, 200 feet southwest of Road 499, Lot 10 & 23.

A variance from the side yard setback requirement.

The case was presented by Mr. Rickard. Douglas K. Marvil of Laurel, was sworn in and testified requesting a 8.5' variance from the 10' side yard setback to construct a 24'x 44' garage with shop area. It was explained that the existing garage structure will be torn down because it is in poor condition. The new garage will be constructed in the same location as the garage to be torn down. The applicant has a shared driveway with his aunt.

There were no parties present in opposition.

Motion was made by Mr. Wheatley, seconded by Mr. Callaway and carried unanimously that the variance be granted. Vote 5-0.

Case No. 6739--Eugene Gay - South of Road 524, 4,800 feet east of Road 516.

A special use exception to connect two manufactured home to make one unit.

The case was presented by Mr. Rickard. Eugene Gay of Seaford, was sworn in and testified requesting to connect a 14'x 40' manufactured home to his existing manufactured home to become one unit. He stated that the manufactured home will become his retirement home, which will have five bedrooms and two baths. The unit will have 1 kitchen, be single family, have an A-Frame roof, matching siding on both units and have a cement block foundation. He hopes to have it completed within six months. He stated that both units are on the lot now, but the one unit is not being used.

There were no parties present in opposition.

Motion was made by Mr. Wheatley, seconded by Mr. Mills and carried unanimously that the special use exception be granted with the following stipulations: Must have an A-Frame roof, one kitchen, be single family, have matching siding on both units, have a block foundation and be completed within one (1) year.

Case No. 6740--Samuel & Carole Gourley - West of Route 62,
interesection of Road 472, Lot 5.

A special use exception to connect two manufactured homes to make one unit.

This case was withdrawn.

Case No. 6741--Phillip B. Lowe & Rose Marie R. Cline-Lowe - South
of Road 471, 1,700 feet west of Road 432.

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

The case was presented by Mr. Rickard. Rose Marie Cline-Lowe was sworn in and testified requesting to retain a second manufactured home on medical hardship. This is a renewal of Case No. 6128 approved October 21, 1996.

Mr. Rickard read a letter from Habib Bolourchi, MD referencing the hardship situation.

Mrs. Cline-Lowe stated that the medical hardship situation has not changed since the original hearing and is still needed. She stated that she realizes that if the situation changes and the manufactured home for hardship is no longer needed the unit will have to be removed.

Mr. Rickard referenced a letter that was presented with 18 signatures in support of the application. He also read a letter of opposition from Patricia Oliphant.

There were no parties present in opposition.

Motion was made by Mr. Callaway, seconded by Mr. Hudson and carried unanimously that the special use exception be granted on the basis of medical hardship for a period of two (2) years. Vote 5-0.

Case No. 6742--Terrie Kifer & Kathleen A.Fox - Kingsbridge Road,
Lot 10, Rehoboth Beach Yacht & Country
Club.

A variance from the front yard & side yard setback requirements.

The case was presented by Mr. Rickard. Terrie Kifer was sworn in and testified and was represented by Daniel Myers, Esquire. The applicants requested a 4" variance from the 15' side yard setback and a 5' variance from the 30' front yard setback requirement on Lot 10, within Rehoboth Beach Yacht & Country Club. It was stated that the house was existing when the applicants bought the property and they now wish to extend a one car garage to make it a two car garage and the variances are needed to accomplish this. A copy of a letter from the Rehoboth Beach Yacht & Country Club Association voicing no objections was presented. The applicant stated that there is no other way to extend the garage and meet the setbacks and they are requesting the least amount of variance needed. It was stated that there are other two car garages in the subdivision.

Mr. Rickard read the letter presented from the Association, Roger Jones, building committee, in favor of the requested variances.

There were no parties present in opposition.

Mr. Rickard stated that he is familiar with the area and there are problems.

Motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that the variances be granted. Vote 5-0.

Case No. 6743--Virginia P. Young - Northeast of Route One, 1,064
feet northwest of Road 209A, Lot 1 & 2.

A variance from the setback requirements for a commercial stable.

The case was presented by Mr. Rickard. Michael J. Young of Milford was sworn in and testified representing the applicant who

requested a 120' variance from the minimum 200' setback from the property lines for a commercial horse stable. Mr. Young stated that his mother's house is the closest house to the stable. He stated that the property is presently being subdivided and creates the need for a variance. His mother, the applicant, still owns all of the property. He stated that an existing barn has been on the property for approximately 25 years.

There were no parties present in opposition.

Motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that the variance be granted, finding the use will not substantially affect adversely the surrounding neighbors. Vote 5-0.

Case No. 6744--Pelican Square - West of Route One, intersection south of Road 283.

A variance from the sign requirements.

The case was presented by Mr. Rickard. Joe Conaway of Bridgeville and Chip Merrill of Silver Spring, MD, were sworn in and testified in behalf of the application. Mr. Conaway stated that the Pelican Square shopping center has stores such as Staples, Super Fresh, Marshalls and a number of smaller stores. Mr. Merrill the Architect showed and explained the shopping center layout and where the stores will be located. The applicants requested the following variances: (1) On building A a 20 sq. ft. variance over the 100 sq. ft. allowable for a wall sign; (2) On building A request a 2nd. wall sign; (3) On building E Request a 188 sq. ft. variance over 100 sq. ft. allowable; (4) On building E request a 2nd. & 3rd. wall sign; (5) On building E request a 4th. wall sign and 10.5 sq. ft. variance over 100 sq. ft. allowable; (6) On building E request a 2nd. directional sign; (7) Request a 2nd. pylon directional sign at the entrance to rear of Road 283; (8) Request 20 sq. ft. variance over 150 sq. ft. allowable for a ground sign. Mr. Conaway stated that he feels it is a reasonable use and will not impair nor be detrimental to the area and they are requesting the minimal amount of variance for relief.

Mabel Granke of Rehoboth was sworn in and testified in opposition, stating that she has deep concern about any more signage on Route 1. She feels it is a convenience to retails. She stated that there is massive development on Route 1 and that the only sign requested that has justification is the directional sign for Route 283. She stated that people will know the stores are there without all of the signage. She feels the requested variances are unnecessary for the area.

Motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously that the case be taken under advisement. Vote 5-0.

At the conclusion of the public hearings the Chairman referred back to this case. After some discussion, motion was made by Mr. Callaway, seconded by Mr. Hudson and carried unanimously that the case be tabled until the next meeting so the Board members can revisit the site. Vote 5-0.

Case No. 6745--Gerald B. Walton & Doris J. Fields - North of Road 524, Lot 8.

A special use exception to connect two manufactured homes to make one unit.

The case was presented by Mr. Rickard. Gerald B. Walton & Doris J. Fields both of Georgetown, were sworn in and testified requesting to connect two manufactured homes together to make one unit. The applicants currently have a 1977, 14'x 70' manufactured home on the property and proposes to attach a 1989, 14'x 72' manufactured home to become one unit. Pictures were presented. They stated that they would have no problems with stipulations being attached. They propose to have a A-Roof, matching siding, one kitchen, be single family, have a block foundation and completed within 1 to 1 1/2 years.

There were no parties present in opposition.

Motion was made by Mr. Wheatley, seconded by Mr. Mills and carried unanimously that the special use exception be granted with the following stipulations: Must have an A-Roof, matching siding, 1 kitchen, block foundation and be completed within 1 1/2 years (18 months). Vote 5-0.

Case No. 6746--Irwin & Leah Pack - Southwest of Road 358, Terrace Road, Lot 5, Section 1, Holly Ridge Terrace.

Appeal the decision of the Planning and Zoning Commission Staff of a notice of violation.

The case was presented by Mr. Rickard. Irwin & Leah Pack were sworn in and testified and were represented by John Sergovic, Esquire. The applicants were issued a violation by the Sussex County Zoning Inspector for parking their licensed vehicles a boat and motor home in their front yard. The applicants are appealing this violation. It is their feeling they are parking in a

privately dedicated right of way, a cul-de-sac, which is no different than parking licensed vehicles in streets fronting a lot in a private subdivision. Mr. Sergovic presented a video and hand-outs as exhibits. Photographs were also submitted. Mr. Sergovic stated that the applicants property is bulkheaded on both sides. Mr. Pack stated that they located their home as close to the rear of the property as possible on two lagoons. It was stated that the road is not improved by the developer. It was stated that the travel trailer has been there for 4 to 5 years and the boat over 20 years. They stated that they have been using the same use as their neighbors. A recent survey was submitted showing the manufactured home and a shed. The manufactured home will need a variance and the shed is to be removed. It was stated the Fire Marshall has no problem with where the vehicles are parked and there are only three people on the road. Mr. Sergovic stated that the subdivision is poorly laid out and was done so before there were any controls in Sussex County.

Mr. Rickard read a notarized affidavit from Joseph Semasek who wants the cul-de-sac to remain open.

Sharon Stewart of Ocean View and the neighbor on Lot 6, was sworn in and testified that there are only three people on the short road and nothing goes past the applicants property. She stated that the road is approximately 150' long. She stated that they went to the Planning and Zoning Commission to have the road closed but were denied, because if the road is closed it would become their front yard and it is illegal to park a boat and travel trailer in the front yard. Remaining open it would be a road.

Mr. Sergovic stated that there was some opposition to the closure of the road and the application was withdrawn.

Mr. Berl explained to the Board that they must decide whether the applicants are in violation or not. If parked in the right of way they cannot be violated, only if they are in violation.

Motion was made by Mr. Callaway, seconded by Mr. Wheatley and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, the Chairman referred back to this case. After some discussion, motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously to override the Directors decision, finding that the cul-de-sac is not the front yard. Vote 5-0.

Case No. 6747--Charles E. VanAuken - East of Road 279, 1,23 miles southeast of Road 277, Lot E-22, West Bay Mobile Home Park.

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

The case was presented by Mr. Rickard. Charles VanAuken was sworn in and testified, requesting a 8' variance from the 20' setback requirement between units in a mobile home park, being Lot E-22, West Bay Park. Mr. VanAuken proposes to install a 70' manufactured home on his lot which is a larger unit and he needs a variance to be able to do this. He stated that there is an Association in the park and they had expressed no objections.

Mr. Rickard read a letter from the West Bay Park Association, Fred Calhoun, in support of the variance request.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously that the variance be granted. Vote 5-0.

Case No. 6748--Frank Appel - East of Road 626, 2,450 feet south of Route 36.

Appeal the decision of the Planning and Zoning Commission Staff of a notice of violation.

The case was presented by Mr. Rickard. Frank Appel of Lincoln was sworn in and testified and was represented by John Sergovic, Esquire. Mr. Sergovic stated that the applicant was violated for having many unlicensed vehicles on his farm. He stated that Mr. Appel has a Conditional Use pending with the County. He stated that the applicants son, Dick Appel was conveyed a parcel of land in 1982 and has used the property to bring in and store unlicensed vehicles and work on them and use the cars for parts. The area in question has stored up to 30 unlicensed vehicles and has been used for storage of unlicensed vehicles since the 1960's. He stated that 4 or 5 boys in the neighborhood have worked on cars and they use parts from the cars brought in. He stated that it is like recycling cars and has never been discontinued. It was stated that they have always had more then two unlicensed vehicles on the property. Mr. Appel received a notice of violation on August 13, 1998, alleging that no more than two automotive vehicles or trailers of any kind without current license plates shall be parked or stored on residential property. Mr. Sergovic stated that the Board must determine if the use is nonconforming.

Robert C. Booth of Milford, was sworn in and testified in behalf of the application stating that there had always been cars on the applicants property, since he was 12 years old and he is now 45. He stated that boys would congregate on the property and work on cars. He stated that cars had been on the property since the mid 1960's and the use has continued.

Robert Ward of Ellendale, was sworn in and testified in behalf of the application, stating that his son has had cars on the property. He stated that some of the boys have become mechanics. He stated that the cars cannot be seen from the road, that the cars are in the woods.

Mr. Rickard stated that seven letters had been received stating that the cars had been on the property since the 1960's.

James Wingard of Lincoln, was sworn in and testified that there is one lot between him and Dick Appel and that he knew there were cars on the Appel property when he moved there, He questioned the amount of cars going in on the property in the summer and questioned why they would let someone else store cars there. He does not want a junk yard too close to his house. He questioned if a business is on the property.

Mr. Sergovic stated that according to the applicant there is no business on the property.

Mr. Callaway questioned the small trailer on the sons property and the 10'x 20' building.

Mr. Appel stated that there is motorcycle storage. The large building is to be used for the business and the small building he wants to use for a repair shop. The large structure is on the applicants property.

Shirley Jackson of Lincoln, was sworn in and testified that she works for a salvage business and she expressed concern about fire with the cars being in the woods. Her house is adjacent to the property. She feels they should get rid of the cars when the parts are removed.

Motion was made by Mr. Wheatley, seconded by Mr. Hudson and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearing, the Chairman referred back to this case. After some discussion, motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously to uphold the Director's decision. Vote 5-0.

The Board took a 5 minute recess. The Chairman called the meeting back into session at 9:04 P. M.

The Board acted on other business.

OTHER BUSINESS

Case No. 6158--Marjorie Todd - West side of Route 309, 1/4 mile north of Route 308, Lot 2.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

A request for a time extension.

Mr. Rickard stated that a letter had been received addressed to Shane Abbott, Assistant Director of Planning & Zoning requesting a time extension on Case No. 6158, 6159, 6160 and 6161, from Marvin Morris. Mr. Morris had represented the cases at a public hearing in 1995 for placement of manufactured homes. The manufactured homes have not been placed and he is now requesting a time extension. Mr. Morris stated that bad weather had prevented the placement of the manufactured homes and also Mr. Hurdle had been unable to excavate the property. Only the septic tanks have been put in.

After some discussion, motion was made by Mr. Mills and seconded by Mr. Callaway that the time extension request for Case No. 6158, 6159, 6160 and 6161 be denied, with Mr. Hudson abstaining. Motion carried with four voting in favor of denial and one not voting. Vote - 4 in favor of denial and 1 abstaining. The Board found that the applicant had had sufficient time to complete the work.

Case NO. 6159--James Speight - West side of Route 309, 1/4 mile north of Route 308, Lot 3.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

A request for a time extension.

The decision for this case was incorporated into Case No. 6158. Motion was made by Mr. Mills, seconded by Mr. Callaway that the time extension request for Case No. 6158, 6159, 6160 and 6161

be denied, with Mr. Hudson abstaining. Motion carried with four voting in favor of denial and one not voting. Vote - 4 in favor of denial and one abstaining. The Board found that the applicant had sufficient time to complete the work.

Case No. 6160--Marilyn G. Hall - West side of Route 309, 1/4 mile north of Route 308, Lot 1.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

A request for a time extension.

The decision for this case was incorporated into Case No. 6158. Motion was made by Mr. Mills, seconded by Mr. Callaway that the time extension request for Case No. 6158, 6159, 6160 and 6161 be denied, with Mr. Hudson abstaining. Motion carried with four voting in favor of denial and one not voting. Vote - 4 in favor of denial and one not voting. The Board found that the applicant had sufficient time to complete the work.

Case No. 6161--Tracey Turner - West side of Route 309, 1/4 mile north of Route 308, Lot 4.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

Request for a time extension.

The decision for this case was incorporated into Case No. 6158. Motion was made by Mr. Mills, seconded by Mr. Callaway that the time extension request for Case No. 6158, 6159, 6160 and 6161 be denied, with Mr. Hudson abstaining. Motion carried with four voting in favor of denial and one not voting. Vote - 4 voting in favor of denial and one not voting. The Board found that the applicant had sufficient time to complete the work.

Case No. 6674--Mary Monahan - West of Route One, Unit 52, Kings Grant.

A variance from the separation requirement between buildings.

Request for a rehearing.

Mr. Rickard read a letter from Robert Witsil, Jr., Esquire in behalf of Mary Monahan requesting a rehearing.

Mr. Callaway stated that he felt nothing new had been presented that could not have been brought out at the public hearing. He feels the evidence is not enough to have a rehearing. Mr. Mills agreed with Mr. Callaway.

Motion was made by Mr. Callaway, seconded by Mr. Mills and carried unanimously that the request for a rehearing for Case No. 6674 be denied for the reasons stated. Vote 5-0.

OLD BUSINESS

Case No. 6722 (cont'd.)--Dale, Jr. & Lora Collins - North of Road 368, 850 feet east of Road 365.

A special use exception to operate a day care facility.

Mr. Hudson did not participate in this discussion.

Mr. Callaway stated that this is a two part case. (1) They have to consider to rehear the case. Mr. Callaway made a motion to rehear Case No. 6722.

Mr. Mills asked for a discussion. He stated that he does not see that the details of the case have changed and that their responsibility is to determine if the use requested adversely affects the surrounding properties. He stated that he did not hear where there is any difference in the requested use to give them any reason to rehear the case. He asked the Board for their feelings.

Mr. Callaway stated that it is the same building, but changes that were presented, he felt from the original hearing were different such as speed reduced, sign put up, they heard from the Fire Marshall and the Department of Transportation, and he heard where Mrs. Collins requested different hours and class size was cut from 113 children to 75, and there are going to be two buffer zones. He also made reference to the concerns from the opposition with respect to the quietness of the area. He stated that the hours are to be cut and that other businesses such as chicken houses is an on going business. He tried to express both points and did see a difference before Mrs. Collins gave her presentation.

Mr. Mills stated that the details of the case have changed, but as far as rehearing the case the request is a special use exception to allow a day care has not changed.

Mr. Berl referenced memos he had sent to the Board members. He stated they have to consider if there have been substantial changes in the circumstances or conditions affecting the property or proposed use, or plans for the use of the property. They have to compare the first hearing to the present one. They have to decide if there has been a substantial difference with what they have heard. He stated that this is the reason Mr. Hudson did not participate in this discussion, since he had nothing to compare not being present at the first hearing.

Mr. Mills stated that he is not convinced the use has changed substantially to rehear the case. He is not convinced the circumstances have changed. It is extremely similar to the first case.

Mr. Mills made a motion that the request to rehear Case No. 6722 be denied.

Motion died due to lack of a second.

Motion was made by Mr. Callaway and seconded by Mr. Wheatley that the request for a rehearing for Case No. 6722 be granted, with Mr. Mills voting nay. Motion carried with three voting in favor, one against and one abstaining.

Mr. McCabe reverted back to the original hearing for Case No. 6722. He stated that the footprint has not changed, they have lowered the speed limit, different hours, smaller classes, lower enrollment from 113 to 75, established a different buffer zone, changed the hours to 8:00 A. M. to 6:00 P. M., loading and unloading passengers changed and cleared trees for better vision.

Mr. Mills stated that he does not feel that there has been any substantial change and abstained from voting.

Motion was made by Mr. Callaway and seconded by Mr. Wheatley that the special use exception be granted, feeling the use will not substantially affect adversely the adjoining neighboring properties and to adopt the noticeable changes, with Mr. Mills abstaining. Vote carried with four voting in favor and one abstaining. Vote 4-1 with one abstaining.

Case No. 6725 (cont'd.)--J. W. Scott Quality Used Cars - South of Route 9, intersection east of Road 321.

A variance from the sign requirements and a variance from the setback requirement for car sales display.

Mr. Callaway stated that Mr. Scott had called him but the case was not discussed. Mr. Callaway stated that a 25' setback is a hardship and would put the cars back to the building that if located on the property.

Mr. Rickard reviewed a statement made by the opposition at the public hearing.

Motion was made by Mr. Callaway, seconded by Mr. Mills and carried unanimously that the variances be granted as requested.

Motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously that the meeting be adjourned.

Meeting adjourned at 9:50 P. M.