

MINUTES OF AUGUST 4, 2014

The regular meeting of the Sussex County Board of Adjustment was held on Monday, August 4, 2014, at 7:00 p.m. in the County Council Chambers, County Administration 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. John Mills, Mr. Brent Workman, Mr. Jeff Hudson, and Mr. Norman Rickard, with James Sharp – Assistant County Attorney, and staff members, Mr. Lawrence Lank – Director of Planning and Zoning, and Ms. Kelly Passwaters – Recording Secretary.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Revised Agenda as circulated. Motion carried 5 - 0.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously to approve the Minutes and Finding of Facts for June 16, 2014 as circulated. Motion carried 5 - 0.

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

PUBLIC HEARINGS

Case No. 11427 – Jeffrey S. Bryan and Michelle V. Bryan – south side of Palmer Avenue and 88 feet east of Route One (Coastal Highway) and south of Dewey Beach and being Lots 22 & 24 Block A within Rehoboth-Indian Beach (911 Address: 26 Palmer Avenue, Rehoboth Beach, Delaware) (Tax Map I.D. 3-34-23.06-101.00)

An application for a variance from the front yard setback requirement.

Mr. Lank presented the case and stated that the Office of Planning and Zoning had not received any correspondence in support of or in opposition to the Application.

Jeffrey Bryan was sworn in to testify about the Application. William Schab, Esquire, presented the case to the Board on behalf of the Applicants and submitted exhibits for the Board to review.

Mr. Schab stated that the Applicants are requesting a variance of 29.3 feet from the thirty (30) feet front yard setback requirement for existing steps, landing, deck, and dwelling; that the Applicants recently purchased the Property; that a survey completed for settlement showed the encroachment; that the structures are less than one (1) foot from the front property line; that the dwelling pre-dated the enactment of the Sussex County Zoning Code; that the dwelling originally sat on the ground a few blocks from the ocean; that, in 1993, the dwelling was raised to comply with the flood zone requirements; that the prior owner obtained building permits for raising the house and for the deck, landing, and steps; that Palmer Avenue is seventy (70) feet wide but only ten (10) to twelve (12) feet of Palmer Avenue is paved; that the steps and deck would have to be removed to bring the Property into compliance; that the other dwellings on Palmer Avenue are

similarly situated in relation to Palmer Avenue; that the previous owner purchased the Property in 1977; that the deck and steps are necessary to gain access to the dwelling; that the Property is unique; that the difficulty was not created by the Applicants; that the variance requested is the minimum variance to afford relief; and that there will not be any adverse effect to the neighboring properties.

Mr. Bryan, under oath, confirmed the statements made by Mr. Schab. Mr. Bryan testified that he would not be able to access the dwelling without the steps, deck and landing; that he has contacted the Homeowners Association in reference to the Application; that the Homeowners Association is aware that there will be no structural changes; that he intends to keep the dwelling and structures in their current location; and that he is unaware of any plans by the Department of Transportation ("DelDOT") to expand Palmer Avenue.

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

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11427 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The Property is unique;
2. The variance is necessary to enable reasonable use of the Property;
3. The difficulty was not created by the Applicants;
4. The variance will not alter the essential character of the neighborhood;
5. The variance sought is the minimum variance necessary to afford relief; and
6. The variance represents the least modification of the regulation at issue.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the variance be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Mills – yea, Mr. Hudson – yea, Mr. Rickard – yea, Mr. Workman – yea, and Mr. Callaway – yea.

Case No. 11428 – Eileen M. Majowski – southeast of Texas Avenue, 300 feet southwest of Bay Shore Drive approximately 0.5 mile northwest of Route 16 at Broadkill Beach and being Lots 29 & 31 within North Shores (911 Address: 109 Texas Avenue, Milton, Delaware) (Tax Map I.D. 2-35-3.16-5.00)

An application for variances from the front yard setback requirement.

Mr. Lank presented the case and stated that the Office of Planning and Zoning had not received any correspondence in support of or in opposition to the Application.

Susan Kazala was sworn in to testify about the Application. Chad Meredith, Esquire, presented the case to the Board on behalf of the Applicant and submitted exhibits for the Board to review.

Mr. Meredith stated that the Applicant is requesting a variance of 5.2 feet from the thirty (30) feet front yard setback requirement for an existing dwelling and a variance of 10.1 feet from the thirty (30) feet front yard setback requirement for an existing deck; that the Applicant is elderly and could not attend the hearing; that the Property was created in the 1960s; that the dwelling was constructed before the enactment of the Sussex County Zoning Code in 1969; that Texas Avenue is a narrow gravel road; that the Property is unique due to the fact that the dwelling was constructed prior to the enactment of the Sussex County Zoning Code; that the dwelling was constructed in conformity with the restrictive covenants set forth in the deed to the Property; that it would be a great cost to the Applicant to move the dwelling and porch into compliance; that the Property is largely wooded and difficult to see from the road; that the variances will enable reasonable use of the Property; that the difficulty was not created by the Applicant; the dwelling was constructed by a prior owner; that the deck was built in the late 1970s to early 1980s; that the variances do not alter the character of the neighborhood; that other homes in the neighborhood are similarly situated; that there are only two (2) other dwellings on Texas Avenue; that the use is not detrimental to the public welfare; that the variances are the least modifications of the regulation at issue; and that the variances requested are the minimum variances to afford relief.

Susan Kazala testified that she is a realtor and is the listing agent for the Property; that she is familiar with the Property; that there is no negative affect to the surrounding property values; and that she confirms the statements made by Mr. Meredith.

Jamie O'Sullivan was sworn in and testified in opposition to the Application and testified that Texas Avenue is a very narrow road due to the existing trees; that she and her parents own property on Texas Avenue; that she feels the deck can be moved into compliance; that she has no objection to the variance for the dwelling; that steps could be used to gain access to the dwelling in place of the deck; that there are other porches in the neighborhood; and that she believes the other dwellings in the area are in compliance.

Mr. Meredith stated that, at some point, the dwelling had some stoop providing access to the dwelling in the location of the existing deck; and that the current structures have been on the Property for thirty (30) years.

The Board found that no persons appeared in support of the Application.

The Board found that one (1) person appeared in opposition to the Application.

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application 11428 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The existence of the non-conforming dwelling makes the Property unique;
2. The variances are necessary to enable reasonable use of the Property;
3. The difficulty was not created by the Applicant;
4. The variances will not alter the essential character of the neighborhood;
5. The variances sought are the minimum variances necessary to afford relief; and
6. The variances represent the least modification of the regulations at issue.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the variances be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Mills – yea, Mr. Hudson – yea, Mr. Rickard – yea, Mr. Workman – yea, and Mr. Callaway – yea.

Case No. 11429 – Jonathan G. Poole and Mary G. Poole – southeast of Road 285 (Beaver Dam Road) and northwest of Ridge Court and being Lot 105 within Oak Crest Farms Subdivision (911 Address: 38055 Ridge Court, Lewes, Delaware) (Tax Map I.D. 2-34-6.00-549.00)

An application for variances from the front yard setback requirement for a through lot.

Mr. Lank presented the case and stated that the Office of Planning and Zoning had not received any correspondence in support of or in opposition to the Application.

Kathy Engle was sworn in to testify about the Application. Chad Meredith, Esquire, presented the case to the Board on behalf of the Applicants and submitted exhibits for the Board to review.

Mr. Meredith stated that the Applicants were requesting a variance of 10.4 feet from the forty (40) feet front yard setback requirement for a through lot for an existing deck and a variance of 26.4 feet from the forty (40) feet front yard setback requirement for a through lot for an existing shed; that the Property is located in the Oak Crest Farms subdivision and fronts on Ridge Court with Beaver Dam Road in the rear; that the Applicants purchased the Property in May 2014; that the dwelling was built on the Property in 2003 by a prior owner; that there are ten (10) dwellings on Ridge Court that are also adjacent to Beaver Dam Road; that the shed and deck are located in the rear yard of the Property; that there is no direct access to Beaver Dam Road from these lots; that due to a buffer of trees along Beaver Dam Road; that there are four (4) other dwellings in the neighborhood with sheds in the rear yard; that the Property is unique because it is a through lot; that to move the structures into compliance would be costly; that the variances will enable reasonable use of the Property; that the shed would have to be removed from the Property in order

to comply with the Sussex County Zoning Code; that the difficulty was not created by the Applicants; that the shed was on the Property when the Applicants purchased the Property; that the survey completed for Applicants' purchase of the Property showed the encroachments; that the variances do not alter the character of the neighborhood; that the uses are not detrimental to the public welfare; that the variances are the minimum variances to afford relief; that all sheds in the community are in the rear yard; and that moving sheds to the Ridge Court side of the Property would adversely affect the character of the neighborhood.

Kathy Engle testified that she is the Real Estate Broker and is familiar with the area; that the requested variances will not have an adverse effect to the property values; and that she confirms the statements made by Mr. Meredith as true and correct.

The Board found that two (2) parties appeared in support of the Application.

The Board found that no parties appeared in opposition to the Application.

Mr. Hudson stated that he would move that the Board recommend approval of Variance Application No. 11429 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The Property is unique because it is a through lot with no direct access to Beaver Dam Road due to the location of a forested buffer;
2. The Property cannot otherwise be developed in strict conformity with the Sussex County Zoning Code;
3. The difficulty was not created by the Applicants;
4. The structures have been on the lot for over ten (10) years and do not alter the essential character of the neighborhood;
5. The variances sought are the minimum variances necessary to afford relief; and
6. A certificate of compliance was issued for the structures.

Motion by Mr. Hudson, seconded by Mr. Mills, and carried unanimously that the variances be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Rickard – yea, Mr. Workman – yea, Mr. Mills – yea, Mr. Hudson – yea, and Mr. Callaway – yea.

Case No. 11430 – Robert Jewett & Laurita Jewett – east of Route 30 (Gravel Hill Road) and being located at the end of Snow Road and being a portion of Parcel B of the Robert A. Raley and Stanley L. Thompson Subdivision at the easterly end of Kawan Acres Subdivision (911 Address: None Available) (Tax Map I.D. 2-34-15.00-3.07)

An application for a variance from the minimum lot width requirement for a parcel.

Mr. Lank presented the case and stated that the Office of Planning and Zoning had not received any correspondence in support of or in opposition to the Application. Mr. Lank advised the Board that the Planning & Zoning Commission has reviewed the Applicants' subdivision request and approved it contingent on approval of this variance request.

Robert Jewett, Adam Doughty and Keith Doughty were sworn in and testified requesting a variance of 28.58 feet from the 100 feet minimum lot width requirement for a parcel.

Mr. Jewett testified that he purchased property in Kawan Acres approximately thirty (30) years ago; that he purchased the Property with the understanding he could subdivide the lot; that he is unable to subdivide the Property without a variance because he does not have enough road frontage; that the Property consists of over eleven (11) acres; that the Property has only 150 feet of road frontage and abuts a cul-de-sac; that he proposes to subdivide the Property into two (2) lots (Lots A & B); that the variance is needed for Lot B only; that the proposed Lot A does not need a variance; that he plans to sell to Adam Doughty 2.6 acres of the Property (Lot A); and that he plans to retain the residual lands (Lot B).

Keith Doughty testified that he has lived in the neighborhood for thirty (30) years; that the variance will not alter the character of the neighborhood; and that the proposed dwelling to be placed on Lot A is similar to other dwellings in the neighborhood.

Mr. Jewett testified that the Property is heavily wooded and the proposed dwelling will not be seen from the road.

Mr. Lank stated that the variance is for the residual lands only and that Lot A of the proposed subdivision does not require a variance.

Mr. Jewett testified that the proposed Lot B would consist of approximately 9.5 acres; that he believed he could subdivide the Property when he purchased it thirty (30) years ago; and that he does not plan to further subdivide the lots.

Mr. Lank stated that the Board approved a similar variance in the area in 2006.

The Board found that one (1) party appeared in support of the Application.

The Board found that no parties appeared in opposition to the Application.

Motion by Mr. Hudson, seconded by Mr. Mills, and carried unanimously that the case be taken under advisement. Motion carried 5 – 0.

The vote by roll call; Mr. Rickard – yea, Mr. Workman – yea, Mr. Mills – yea, Mr. Hudson – yea, and Mr. Callaway – yea.

At the conclusion of the public hearing, the Chairman referred back to this case. Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11430 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The Property is unique;
2. The variance is necessary to enable reasonable use of the Property;
3. The variance will not alter the essential character of the neighborhood; and
4. The variance sought is the minimum variance necessary to afford relief.

Motion by Mr. Rickard, seconded by Mr. Hudson, and carried that the variance be **granted for the reasons stated**. Motion carried 4 – 1.

The vote by roll call; Mr. Workman – yea, Mr. Rickard – yea, Mr. Hudson – yea, Mr. Callaway – yea, and Mr. Mills – nay.

Case No. 11431 – Marvanne Green and/or James Green – northeast of Piney Point Road Ext., 0.3 mile west of Road 357 (Cedar Neck Road) and being Lot 15 within Piney Point Subdivision (911 Address: 38226 Piney Point Road, Ocean View, Delaware) (Tax Map I.D. 1-34-9.00-218.00)

An application for variances from the front yard and side yard setback requirements.

Mr. Lank presented the case and stated that the Office of Planning and Zoning had not received any correspondence in support of or in opposition to the Application.

James Green was sworn in and testified requesting a variance of 5.1 feet from the thirty (30) feet front yard setback requirement for an existing dwelling and a variance of 3.2 feet from the ten (10) feet side yard setback requirement for an existing dwelling; that the dwelling was built in 1968 and is a pre-existing, non-conforming use; that the foundation is not square with the lot; that the Property is in a flood zone and suffered substantial flood damage from Hurricane Sandy; that he is the third owner of the Property; that he plans to raise the dwelling to meet the flood zone requirements and to elevate the dwelling out of the flood plain; that he owns the adjacent Lot 14; that the non-conformity of the dwelling makes the Property unique; that the variance is necessary to enable reasonable use of the Property; that the variances will not alter the character of the neighborhood; that there are other homes in the neighborhood which pre-date the Sussex County Zoning Code which are similar to the Applicants' dwelling; that the use will not be detrimental to the public welfare; that the variances requested are the minimum variances to afford relief; that the variance requested is the least modification of the regulations at issue; that Hurricane Sandy caused a great deal of damage to the house; and that raising the house will better protect the dwelling from a future storm.

Mr. Lank stated that the Lots 14 and 15 have previously been combined into one lot thereby eliminating the need for the side yard variance.

The Board found that one (1) party appeared in support of the Application.

The Board found that no parties appeared in opposition to the Application.

Mr. Mills stated that he would move that the Board recommend approval of Variance Application No. 11431 for the requested front yard variance based on the record made at the public hearing and for the following reasons:

1. The flooding of the Property makes the situation unique;
2. The Property cannot be developed in strict conformity with the Sussex County Zoning Code;
3. The variance is necessary to enable reasonable use of the Property;
4. The difficulty was not created by the Applicants;
5. The variance will not alter the essential character of the neighborhood;
6. The variance sought is the minimum variance necessary to afford relief; and
7. The variance is not detrimental to the public welfare.

As part of his Motion, Mr. Mills moved that the requested side yard variance be denied because it is not needed.

Motion by Mr. Mills, seconded by Mr. Rickard, and carried unanimously that **the front yard variance be granted for the reasons stated and that the side yard variance be denied for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Workman – yea, Mr. Rickard – yea, Mr. Hudson – yea, Mr. Mills – yea, and Mr. Callaway – yea.

Case No. 11432 – Michael Kurzeja – northeast of Coastal Highway (Route One) and 105 feet southeast of Carolina Street and northwest of Dewey Beach (911 Address: 20973A Coastal Highway, Rehoboth Beach, Delaware) (Tax Map I.D. 3-34-20.09-184.00-Unit A)

An application for variances from the front yard and side yard setback requirements.

Mr. Lank presented the case and stated that the Office of Planning and Zoning had not received any correspondence in support of or in opposition to the Application.

Matthew Moffa was sworn in and testified requesting a variance of 7.9 feet from the forty (40) feet front yard setback requirement for a proposed porch, a variance of 3.6 feet from the five (5) feet side yard setback requirement for a proposed open unenclosed deck, and a variance of 0.3

feet from the ten (10) feet side yard setback requirement for a non-conforming dwelling; that he represents the Applicant; that the Applicant purchased the Property two (2) years ago; that the deck and covered porch were built approximately 10 to 15 years ago without a permit; that the dwelling is non-conforming; that the foundation of the dwelling sits on the setback lines; that the porch is necessary to access the dwelling because the front door is raised; that the variances will not alter the character of the neighborhood; that other homes in the neighborhood have similar porches; that the porch and deck will be updated; that there will be no further encroachments into the setback area; that the proposed porch and deck will be longer than the existing porch and deck but will not extend further into the side yard and front yard setback areas; that the side deck is along the fence line where a privacy fence lies; that there are two (2) other units to the rear of the Property; that there is a hotel nearby; that the proposed outside shower will be detached from the dwelling and will be built in compliance with the Sussex County Zoning Code; and that the Property is part of a condominium.

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 case be taken under advisement. Motion carried 5 – 0.

The vote by roll call; Mr. Rickard – yea, Mr. Workman – yea, Mr. Hudson – yea, Mr. Mills – yea, and Mr. Callaway – yea.

At the conclusion of the public hearings, the Chairman referred back to this case. Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11432 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The Property is unique in size as it is only fifty (50) feet wide;
2. The variances are necessary to enable reasonable use of the Property;
3. The difficulty was not created by the Applicant;
4. The variances will not alter the essential character of the neighborhood;
5. The variances sought are the minimum variances necessary to afford relief; and
6. The variances sought represent the least modifications of the regulations at issue.

Motion by Mr. Rickard, seconded by Mr. Hudson, and carried unanimously that the variances be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Mills – yea, Mr. Hudson – yea, Mr. Workman – yea, Mr. Rickard – yea, and Mr. Callaway – yea.

Case No. 11433 – George Hackman & Penelope Hackmann, Jr. – north of Route 54 (Lighthouse Road) and being northwest of Bayview Circle West, 600 feet northwest of Bayville

Shore Drive, being Lot 201 within Bayview Landing Subdivision (911 Address: 38018 Bayview Circle West, Selbyville, Delaware) (Tax Map I.D. 5-33-13.00-221.00)

An application for a variance from the rear yard setback requirement.

Mr. Lank presented the case and stated that the Office of Planning and Zoning had not received any correspondence in support of or in opposition to the Application.

George Hackman and Penelope Hackmann were sworn in and testified requesting a variance of 3.1 feet from the ten (10) feet rear yard setback requirement for a sunroom.

George Hackman testified that, in 2011, the Board granted a variance for the construction of a sunroom on a portion of an existing deck; that the Applicants constructed the sunroom in compliance with that variance approval; that the Applicants wish to enclose the remaining portion of the deck; and that the existing handicap ramp will not be changed.

Penelope Hackman testified that the Property is unique due its unusual shape and severe slope in the rear yard leading to a ditch; that the rear yard is basically unusable; that the Applicants are unable to build a shed on the Property for storage; that they have explored all avenues for placement of a shed but there is no place to put a shed; that the deck furniture is currently stored in the existing garage during the winter; that they intend to leave the deck furniture in the sunroom all year; that the proposed sunroom will allow them to use the existing garage for both vehicles all year; that the proposed sunroom will enable reasonable use of the Property; and that the bugs do not allow them to use the deck and did not realize that in 2011 or they would have enclosed the entire deck then.

Mr. Hackman testified that the Applicants still need to obtain the Homeowners Association's approval; and that the community has high standards and the siding and roof of the sunroom must match the existing dwelling.

Ms. Hackman testified that the sunroom is a three-season room with screen and glass windows; and that there will be no heating or air conditioning in the sunroom.

Mr. Hackman testified that the proposed sunroom does not further encroach into the setback than the existing sunroom; and that the proposed sunroom and the existing sunroom will be separated by a sliding door.

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

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11433 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The Property is unique due its sloping rear yard;
2. The variance is necessary to enable reasonable use of the Property;
3. The difficulty was not created by the Applicants;
4. The variance will not alter the essential character of the neighborhood; and
5. The variance sought is the minimum variance necessary to afford relief.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the variance be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Mills – yea, Mr. Hudson – yea, Mr. Workman – yea, Mr. Rickard – yea, and Mr. Callaway – yea.

Case No. 11434 – Mark D. Fisher – north of Route 54 (Lighthouse Road) and being east of Canvasback Road, 2,000 feet north of Swann Drive and being Lot 48 Block D within Swann Keys Subdivision (911 Address: 37066 Canvasback Road, Selbyville, Delaware) (Tax Map I.D. 5-33-12.16-375.00)

An application for a variance from the side yard setback requirement.

Mr. Lank presented the case and stated that the Office of Planning and Zoning had not received any correspondence in support of or in opposition to the Application.

Mark Fisher and Jennifer Fisher were sworn in and testified requesting a variance of ten (10) feet from the ten (10) feet side yard setback requirement for a proposed deck and HVAC unit, a variance of six (6) feet from the ten (10) feet side yard setback requirement for a proposed dwelling, and a variance of two (2) feet from the ten (10) feet side yard setback requirement for a proposed second floor deck.

Mr. Fisher testified that the existing dwelling burned down in September 2013; that the Property is located within the Swann Keys development; that the lot is very narrow and is only forty (40) feet wide; that the previous dwelling was only four (4) feet from the rear yard property line; that the proposed dwelling is smaller than the previous dwelling; that the proposed dwelling will not disturb the existing concrete pads on the Property; that the neighbor to the south has placed its dwelling on the property line bordering the Property; that the neighbor to the north has placed its dwelling fourteen (14) feet from the property line bordering the Property; that the variances will enable reasonable use of the Property; that the variances enable him to have access to the canal with his boat; that the difficulty was not created by the Applicants; that the neighboring dwellings have been in their current locations for many years; that most of the dwellings in the neighborhood have been placed on one side of the lot; that the variances will not alter the character of the neighborhood; that the use is not detrimental to the public welfare; that the variances requested are the minimum variances necessary to afford relief; that the proposed dwelling will meet the flood zone requirements; that the second floor decks provide access to the dwelling; that the first floor

is a garage and the living space is on the second floor; and that the HVAC unit will be placed on the north side of the Property which is consistent with how those units are placed on other lots in the neighborhood.

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

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11434 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The Property is unique in size as it is only forty (40) feet wide;
2. The variances are necessary to enable reasonable use of the Property;
3. The difficulty was not created by the Applicant;
4. The variances will not alter the essential character of the neighborhood; and
5. The variances sought are the minimum variances necessary to afford relief.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the variances be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Mills – yea, Mr. Hudson – yea, Mr. Workman – yea, Mr. Rickard – yea, and Mr. Callaway – yea.

OTHER BUSINESS

Case No. 11273 – Zerby, LLC – southeast corner of the intersection of Rehoboth Avenue Extended and Route One. (Tax Map I.D. 3-34-13.19-84.00, 85.00, 86.00)

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

Requesting a time extension.

Mr. Lank read a letter from the Applicant requesting a one (1) year time extension.

Motion by Mr. Hudson, seconded by Mr. Mills, and carried unanimously that the request for a time extension be **granted for a period of one (1) year**. Motion carried 5 – 0.

The vote by roll call; Mr. Rickard – yea, Mr. Workman – yea, Mr. Mills – yea, Mr. Hudson – yea, and Mr. Callaway – yea.

Meeting Adjourned 9:32 p.m.