

## **MINUTES OF JULY 18, 2022**

The regular meeting of the Sussex County Board of Adjustment was held on Monday, July 18, 2022, at 6:00 p.m. in the County Council Chamber, Sussex County Administration Office Building, Georgetown, Delaware. The teleconference system was tested during the meeting by staff to confirm connectivity.

The meeting was called to order at 6:00 p.m. with Chairman Jeffrey Chorman presiding. The Board members present were: Dr. Kevin Carson, Mr. Jeffrey Chorman, Mr. John T. Hastings, Mr. Jordan Warfel, and Mr. John Williamson. Also, in attendance were Mr. James Sharp, Esquire – Assistant County Attorney, and staff members Ms. Jennifer Norwood – Planning and Zoning Manager, and Ms. Amy Hollis – Recording Secretary.

The Pledge of Allegiance was led by Mr. Chorman.

Motion by Mr. Warfel, seconded by Mr. Williamson and carried unanimously to approve the agenda. Motion carried 5 – 0.

The vote by roll call; Dr. Carson – yea, Mr. Hastings - yea, Mr. Warfel – yea, Mr. Williamson – yea, and Mr. Chorman – yea.

Motion by Dr. Carson, seconded by Mr. Warfel and carried unanimously to approve the Minutes for the May 16, 2022, meeting. Motion carried 5 – 0.

The vote by roll call; Mr. Williamson – yea, Mr. Hastings – yea, Dr. Carson – yea, Mr. Warfel – yea, and Mr. Chorman – yea.

Motion by Mr. Williamson, seconded by Mr. Hastings and carried to approve the Findings of Facts for the May 16, 2022, meeting. Motion carried 5 – 0.

The vote by roll call; Dr. Carson – yea, Mr. Warfel – yea, Mr. Hastings – yea, Mr. Williamson – yea, and Mr. Chorman – yea.

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. 12717– LaTonya Bruce** seeks a special use exception to operate a daycare facility (Sections 115-40 and 115-210 of the Sussex County Zoning Code). The property is located on the southeast side of Coverdale Road within the Messick Subdivision. 911 Address: 20687 Coverdale Road, Bridgeville. Zoning District: GR. Tax Parcel: 430-23.00-75.00

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application and one (1) mail return. The Applicant is requesting a special use exception to operate a daycare.

Ms. LaTonya Bruce was sworn in to give testimony about this Application.

Ms. Bruce testified that Zion's Playground is a dream and life goal that she has wanted since 2015; that, now that it is open and functioning, the need for child care is in high demand and expanding would be the answer to some families' prayers; that she has raised three (3) children of her own; that she always wanted to be a teacher but owning her own business became a reality in 2020; that she has an Associate's Degree in business administration and completed Training in Early Childhood Education I and II; that she has plans in the fall to continue her education; that, as a mother herself, she understands that it is difficult to trust someone with your child; that her business motto is "Where love is like mom's, I love and care for them as if they are my own"; that she opened on 9/13/2021; that she tried to open in March of 2020 but was unable to do so due to the Covid-19 pandemic; that she opened with two (2) children, ages eight (8) weeks and four (4) years old and, by 11/8/2021 she was at full capacity serving six (6) children as a Level I facility; that she is in the process of going to Level II, which is large family, but she needs this approval prior to doing so; that there are currently five (5) children in her program, aged 1 to 4 years old; that her indoor capacity measurements can accommodate up to fifteen (15) kids based on the Office of Child Care Licensing pre-inspection but they only allow a total of twelve (12) children for large family daycares; that her outdoor space has a front entrance and play area that is fenced in and has 600 square feet; that her social media advertising has been very productive and she gets call weekly for infants; that she is unable to take on new children because she is at capacity; that she had an individual show up to her home asking for daycare services; that this would be a blessing to some families that may be able to provide services to; that she is open until 11:00 pm; that the children enter her home from the front; that she has a two car garage attached to her home; that the children she cares for now are all there between 7:30 am and 5:00 pm; that they arrive anywhere between 7:00 am and 8:00 am; that the most she has had arrive at once is four vehicles; that she parks on the grass; that her residence is accessed through the rear and the daycare is accessed through the front door only; that she allows the parents to park on her grass if needed; that the outdoor play area is fenced in for the safety of the children; that a parent of one of the children actually waited for her to open so she could place her child in her care; that the parents of her current children wrote in testimonials in support of her services; that she has aided a child in her care, who has a medical condition, to learn to speak; that she has aided another child with learning her body parts and walking; that her home was built in 2010 and has central HVAC; that the living room and dining room are the main area for the children; that meals are served in the kitchen; that the toys are items used for the children have been donated or purchased by her; that the bathroom is decorated for the children; that the neighbors on one side recently upgraded their home; that the neighboring property on the other side is a vacant property; that a large part of her property is wooded; that her application for licensing is due in August for Level I; that she intends to move to Level II but has a few additional trainings required first; that she has two individuals that will be assisting her; that her playground was built to the standards of the Level II facility and possible expansion; that typically there are no stationary cars parked in front of her home in the driveway; that she parks in the rear of the home; that she does not see any issues with traffic in the morning; that between 6:00 am and 7:00 am, the majority of traffic is from the concrete plant down the road and school buses; that she had a

parent park on the road once and informed them to park on her grass rather than in the road; that her additional employees and her family would park in the rear also or on the grass; that the driveway is empty after drop off; that dayshift ends at 5:30 pm; that, once she can increase her capacity, she will have school-age children and they will have school bus pick up at her property; that her hours of operation are 6:00 am to 11:00 pm; that she is currently operating from 7:00 am until 5:30 pm; that she cannot do the night shift at this time because she cannot overlap children as it would put her out of compliance with her license; that she anticipates some of the children to be siblings; that, if she takes on multiple children for evening care, it will only be one family; that age range also plays a factor in the number of children that can be in her care; that the next door neighbors have not been able to be reached but she does know that they are aware of her daycare and are a younger couple who does have children; that she has had no complaints since she opened the daycare; that across the street is farm land; and that the primary use around her is farming and residential.

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

Mr. Chorman closed the public hearing.

Mr. Williamson moved to approve the application for Case No. 12717 for the requested special use exception, pending final written decision, for the following reasons:

1. The special use exception will not substantially or permanently impair the appropriate use or development of adjacent property; and
2. The special use exception will have no adverse effect.

Motion by Mr. Williamson, seconded by Dr. Carson, carried that the **special use exception be granted for the reasons stated.** Motion carried 5 – 0.

The vote by roll call; Mr. Warfel – yea, Mr. Hastings – yea, Dr. Carson – yea, Mr. Williamson – yea, and Mr. Chorman – yea.

**Case No. 12718– Bradford & Kristi Sutcliffe** seek a special use exception and a variance from the maximum square footage requirement for a proposed garage / studio apartment (Sections 115-23, 115-25, and 115-210 of the Sussex County Zoning Code). The property is located on the northwest side of New Road across from Peach Tree Lane. 911 Address: 16500 New Road, Lewes. Zoning District: AR-1. Tax Parcel: 335-7.00-6.20

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application and zero mail returns. The Applicants are requesting a special use exception for a garage / studio apartment and a variance of 400 square feet from the maximum allowable 800 square feet for a garage / studio apartment.

Ms. Kristi Sutcliffe was sworn in to give testimony about this Application.

Ms. Sutcliffe testified that she is here because she and her husband are building on their property on New Road with Schell Brothers; that this is not an HOA development; that their lot will be one of ten lots; that they are looking to build a detached garage / studio apartment for her parents to reside in; that this will allow her parents to live on the property with them; that she understands that the maximum is 800 sf. which is why they are seeking the variance and special use exception; that the additional 400 sf. is for the potential of an additional caregiver in the future; that her father's health has declined in the recent years and her mother cannot handle it on her own; that there is a proposed community behind her property; that she is unsure of when that community will be developed; that the main dwelling will be constructed first and then the cottage or garage / studio apartment will be constructed thereafter; that the structure is going to be more of a cottage than a garage with living space; that the plan is for it to be a first floor living situation; that the garage / studio apartment will have a kitchen, bathroom, and two (2) bedrooms; that they explored the option of making their home larger but this is the option that they found would work better for their family; that she and her husband have three (3) children who can be loud; that this option would allow for her parents to remain independent but have the care that they need; that the drawing submitted is a proposed home on the site but it is not an accurate depiction of their home being built; that their garage will be a three (3) car garage which will have a dedicated space for her parents' vehicle; that they wanted to get approval before obtaining plans; that Schell Brothers offers detached garages but they are using a separate company because Schell Brothers will only construct a garage and not convert it to living space; that their property will be completely separate from the proposed development behind them; that they have discussed placing a separate panel in their garage and running a conduit to the cottage structure; that their timeline has been pushed back but they are meeting with their community manager next week and should have more information after that; that the last they heard was that their home will not be completed until early 2023; that they would not start anything with the cottage until the house is completed; that Schell Brothers offers ten (10) different house plans to choose from; that a separate contractor will be constructing the garage / studio apartment; that 800 sf. is not enough because they will need multiple bedrooms and a caregiver requires their own space / room; that the lot is  $\frac{3}{4}$  of an acre; that she does not know the square footage of the primary dwelling; that their lot is directly across the street from Peach Tree Lane, which none of the other nine (9) lots in this subdivision are; that the property has a shared driveway; that the property will be surrounded on one side and the rear by the other subdivision; that her parents resided out-of-state and recently moved into an apartment while their home is being built; that their hope is to move into the cottage on her property; that her father was recently diagnosed with Alzheimer's disease/ dementia; that her father has become a big burden for her mother to carry alone and, as an only child, it is only her as far as help goes; that this was not something that her and her husband had anticipated when they were preparing to build a new home; that they are trying to find the best solution; that the cottage would need to be ADA compliant which would increase the square footage needed; that her parents only have one vehicle as her father cannot drive; that the property will be served by well and septic; that the well will be located at the front of the property as indicated on a submitted drawing; that she would feel more comfortable with being able to obtain the site plan for the Board to review; and that she will plan to have the floor plan for their home, the cottage, and placement of the structures on the property.

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

Mr. Chorman closed the public hearing.

Dr. Carson moved to leave the record open for the limited purposes as noted below:

1. The Applicants shall provide a floor plan and updated site plan to the Office of Planning & Zoning by September 5, 2022; and
2. The Application will be placed on the agenda for the Board's meeting on September 12, 2022, to allow for questions and comments as to the floor plan and updated site plan only.

Motion by Dr. Carson, seconded by Mr. Hastings, carried that the **record will be left open for the limited purposes stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Williamson – yea, Mr. Warfel – yea, Dr. Carson – yea, Mr. Hastings – yea, and Mr. Chorman – yea.

#### **RECESS 6:58 PM – 7:03 PM**

**Case No. 12719– Terri Lokey** seeks variances from the side yard setback requirement for existing and proposed structures (Sections 115-42 and 115-183 of the Sussex County Zoning Code). The property is located on the west side of Terrace Road within the Holly Ridge Terrace Subdivision. 911 Address: 30347 Terrace Road, Ocean View. Zoning District: GR. Tax Parcel: 134-9.00-182.00

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received one (1) letter in support of and no correspondence in opposition to the Application and zero mail returns. The Applicant is requesting variances of 0.88 ft. from the 10 ft. side yard setback on the north side for an existing dwelling, 1.3 ft. from the 10 ft. side yard setback on the north side for an existing dwelling, 3 ft. from the 5 ft. side yard setback on the south side for an existing carport, and 5 ft. from the 5 ft. side yard setback on the south side for a proposed shed.

Ms. Terri Lokey was sworn in to give testimony about this Application.

Ms. Lokey testified that she bought this property two and a half years ago; that there is an existing shed that measures 12 foot by 14 foot and is located about 2 ft. off the property line; that the shed is deteriorating and she would like to replace it with a new shed; that the new shed is a 14 foot by 24 foot pine ridge barn; that she is requesting the variance because the new shed is 2 ft. wider; that, if she moved the shed any farther off the property line, the shed would impede her access to her back yard; that the access to her back yard is about 8 ft. wide from existing shed and porch; that the shed would be about 6 in. off the property line; that her next-door neighbors wrote a letter in support of the

Application; that their shed actually butts up to her shed; that they have no HOA; that her shed would back up to the neighbor's shed so she would not need to power wash it; that there will be no grass between the sheds as there is gravel there; that she did look into a smaller shed; that her boyfriend does commercial construction and will be using the shed to store some of his tools; that there was another shed that was located on the property but it has already been removed; that they lack storage area; that, when she purchased the property, there were three (3) sheds on the lot; that one of the sheds has been torn down and another will be torn down; that the neighbors have two (2) sheds that are on the property line; that there will be about 6-8 feet between the shed and her house; that she needs the distance between the shed and house to get the mower into the back yard; that there is a porch off the rear of the house which is how she enters the dwelling; that there is not a front entrance to the house as the door on the front enters into a bedroom; that the home does not have a garage but it has a carport; that the carport is right in front of the shed; that part of the carport will be moved to place the shed; that the carport was also there when she purchased the property; that the property is very narrow and she does not have many other options for placement; that the shed will be delivered in pieces; that the carport can be moved as it is a free standing structure; that the shed will not have an overhang off the roof; that the shed will have a pitched A-frame roof; that there will be no gutters on the shed; that no variance is needed for the shed on the north side of the lot; that she cannot place the shed on the other side of the property because there is an open air tiki hut placed there; that the tiki hut cannot be moved; that she does not want to place the shed any closer to the water; that the location of all other structures on the property was not created by her; that she did not place the house on the lot; that there have been no complaints about the house; that there have been no additions to the house; that the center of the home is a mobile home that has had additions to it; that the carport is about 2 ft. off the property line; that a 4 ft. section of the rear portion of the carport will be removed; that she has looked into removing the carport but it will not change the need for a pathway to access her door; that whole one side of her property is driveway and she cannot put the shed there; that the cul-de-sac exists on paper but has not been paved; that the well is located on the north side of the dwelling; that the survey the Board has is the most recent survey that was completed; and that she has had no issues with flooding on the lot.

Ms. Norwood noted that there is no permit of record for the carport.

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

Mr. Chorman closed the public hearing.

Mr. Warfel moved to approve Case No. 12719 for the requested variances as modified below, pending final written decision, for the following reasons:

1. The property has unique conditions due to the location of the bulkhead;
2. That, due to the physical conditions, the property cannot be developed in strict conformity with Sussex County Zoning Code and the variances, as modified, are necessary to enable the reasonable use of the property;

3. The exceptional practical difficulty was not created by the Applicant;
4. The variances, as modified, will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare; and
5. The variances, as modified, represent the minimum variances necessary to afford relief.

As part of his motion, Mr. Warfel moved to modify the side yard variance request for the shed such that a variance of 3 feet was approved; not 5 feet as requested by the Applicant.

Motion by Mr. Warfel, seconded by Mr. Hastings, carried that the **variances be granted with modification for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Dr. Carson – yea, Mr. Williamson – yea, Mr. Warfel – yea, Mr. Hastings – yea, and Mr. Chorman – yea.

**Case No. 12720– Elisabeth McAllister** seeks variances from the front yard setback requirement for proposed structures (Sections 115-34 and 115-182 of the Sussex County Zoning Code). The property is located on the west side of Keenwik Road within the Keen-Wik Subdivision. 911 Address: N/A. Zoning District: MR. Tax Parcel: 533-20.13-33.00

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application and one (1) mail return. The Applicant is requesting variances of 5 ft. and 1.5 ft. from the 30 ft. front yard setback for proposed dwelling and porch.

Ms. Elisabeth McAllister was sworn in to give testimony about this Application.

Ms. McAllister testified that she purchased this 50' x 100' lot in Keen-Wik by the Bay; that this is oldest of the Keen-Wik communities; that she purchased it a year ago; that she went to Beracah Homes to pick out a one-story house; that they have fifty-four (54) models of home available; that she picked the second smallest model which consist of about 1,400 square feet; that she has worked with the HOA and Beracah Homes to shave off a foot here and there to make the need for variance as small as possible; that her request matches the HOA requirements; that there will be a small porch off the front with steps going to the side rather than the front; that the house will be on 5-6 ft. of a cinderblock foundation; that there will be no parking underneath the home; that the driveway is to the left of the dwelling from the road; that she may place a portion of walkway in front of the house; that the HVAC will be placed at the front of the house and hidden with landscaping; that she did a lot to make this dwelling work; that she was over at Cape Windsor recently and that community is not as attractive with the homes placed right up to the road; that there is a wood fence on the lot but it will be removed; that the fence is the front property line; that there is a grassy area between her fence and the road; that the inside of the home was flipped; that she purchased her lot from the neighbor; that she has not been able to reach the neighbor to the south; that there is also a sign at her property to

notice the neighbors; that she squeezed back the size of the porch; that the home, driveway, and alley placement are all intentional; that she does not walk well on grass and needs hard surfaces to be around her dwelling; that the entire area behind the home up to the water will be flat decking; that the alley will be made of asphalt and will be necessary for her to operate on her property; that she also is placing the driveway to the rear of the property to accommodate additional parking and closer access to the property; that she has thought ahead that she may have to place a ramp on the dwelling in the future; though it would be a last resort; that she prospectively would place the ramp at the front of the house if needed; that there will be stairs off the rear porch to the side; that the stairs will be completed by a separate individual from Beracah Homes; that, by raising the house to accommodate the flood zone, she now has to deal with stairs that she did not want; that the stairs will be short rises so that they are more comfortable for her; that she is buying her independent living; that she will also need a rear yard variance from the HOA at Keen-Wik; that, in order to build in compliance with County Code and HOA restrictions, she would end up with a buildable area of 50 feet from the front to the back of the property; that she has spoken with the HOA about the variance she needs from them and does not expect it to be an issue; that the HOA requires a rear yard setback of 20 feet; that she is unaware of any flooding on her property as she does not live there yet; that her neighbors one street over have been flooded but their house is at ground level; that the stairs will be in the existing buildable area and will not need a variance; that placing the stairs in a different manner would have created a lot more issues for her aesthetically and functionally; and that she agrees with the premise of the rear yard setback because she would not want to impede someone else's views and property.

Ms. Norwood confirmed that no variance will be needed for the steps because they can project 5 feet into the front yard setback.

The Board found that no one appeared in support of and no one appeared in opposition to the Application.

Mr. Chorman closed the public hearing.

Mr. Hastings moved to approve the application for Case No. 12720 for the requested variances, pending final written decision, for the following reasons:

1. The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare;
2. The variances represent the least modifications of the regulation at issue; and
3. The variances represent the minimum variances necessary to afford relief.

Motion by Mr. Hastings, seconded by Mr. Warfel, carried that the **variances be granted for the reasons stated.** Motion carried 3 – 2.



The vote by roll call; Dr. Carson – yea, Mr. Warfel – yea, Mr. Hastings – yea, Mr. Williamson – nay, and Mr. Chorman – nay.

**Case No. 12721–John E. and Lucia C. Kennedy** seek a variance from the side yard setback requirement for an existing dwelling (Sections 115-42 and 115-183 of the Sussex County Zoning Code). The property is located on the northeast side of Circle Drive within the Orchard Manor Subdivision. 911 Address: 32960 Circle Drive, Millsboro. Zoning District: GR. Tax Parcel: 234-34.08-125.00

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application and two (2) mail returns. The Applicant is requesting a variance of 1.6 ft. from the 10 ft. side yard setback requirement on the northwest side for an existing manufactured home.

Mr. John E. Kennedy and Lucia C. Kennedy were sworn in to give testimony about this Application.

Mr. Kennedy testified that he and his wife purchased this property on May 12, 2022; that they purchased it as a second home; that the day prior to closing they were notified that the survey he paid for revealed a setback violation on the left-hand side; that the dwelling should be 10 ft. off the property line on each side; that the dwelling was correct on the right side but on the left it was 8.4 ft. rather than 10 ft.; that the options he was given was to forfeit the purchase and lose the money he had invested so far or to continue and seek relief through the variance application; that an option that was given but not considered for obvious reasons was to move the manufactured home into compliance; that the cost of moving it in addition to it is directly connected to sewer and the age of the manufactured home would not make it a viable option; that this home was placed in 1979; that it was manufactured in 1979; that the manufactured home has continuously and openly been in place on the lot for (43) years; that no one has ever questioned or complained about the setbacks; that he is surprised that it could not be grandfathered in; that staff confirmed that a variance was needed for the 1.6 ft.; that he decided to take his chances with the variance application; that he has spoken with several neighbors who have no issues with the placement of the home; that the property is tied to sewer; that the person he purchased the property inherited it from her father and had limited information on the property; that the only information she had was that the property had been vacant for three (3) years and prior it was rented to a drug addict which was apparent by the state of the home; that he took six (6) loads of trash from the dwelling and three (3) loads of leaves from the property after purchase; that the HVAC and propane are located at the rear of the house; that the property behind it is owned by a Native American gentleman named Charlie Clark and Mr. Clark has no plans to ever develop those lands; and that the property is not located in a community with an HOA.

The Board found that one (1) person appeared in support of and no one appeared in opposition to the Application.

Mr. Chorman closed the public hearing.

Mr. Williamson moved to approve the application for Case No. 12721 for the requested variance, pending final written decision, for the following reasons:

1. The Applicant met the criteria for granting a variance; and
2. The exceptional practical difficulty was not created by the Applicant.

Motion by Mr. Williamson, seconded by Dr. Carson, carried that the **variance be granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Hastings - yea, Mr. Warfel – yea, Dr. Carson – yea, Mr. Williamson – yea, and Mr. Chorman – yea.

**Case No. 12722 – Reed Ventures LLC** seeks a special use exception to place an off-premises sign (Sections 115-80, 115-81, 115-159.5, & 115-210 of the Sussex County Zoning Code). The property is located on the west side of Coastal Highway. (Rt. 1) approximately 792 ft. northwest of Postal Lane. 911 Address: 18422 Coastal Highway, Lewes. Zoning District: C-1. Tax Parcel: 334-6.00-479.00

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application and one (1) mail return. The Applicant is requesting a special use exception for an off-premises billboard.

Mr. Joseph Reed and Mr. Dale McAlister were sworn in to give testimony about this Application.

Mr. McAlister testified that they are here for a property located on Route 1; that the property is located just past a warehouse; that he has presented photos of how you will see the billboard as you approach the property; that the billboard will be partially obstructed by a building; that the setback used to be 25 ft. but it is now 40 ft.; that they meet the 40 ft. setback; that, as you approach the billboard heading south, you will always be able to see the left side; that the right side of the billboard will be able to be read as you get closer; that a lot of billboards are partially blocked all over the country; that, when approaching the billboard heading north, it will not be obstructed by anything other than a few trees which can be trimmed; that they do not feel they are changing the character of the neighborhood; that there is a house on the property; that they are seeking the special use exception as they feel this is the best use of this property; that they will not be altering the neighborhood and they will meet the setback and height requirements; that it will be a static sign; that they wished it could be an electronic message center but they do not meet the DelDOT requirements; that they have a letter of no objection from DelDOT for an off-premises static sign; that, if the special use exception is granted, they will receive a permit from DelDOT to erect the structure; that they need to obtain County permits in

addition to the State permits and will have to pay an annual renewal to the State of Delaware; that the Verizon store is about the length of a football field away from the location of the proposed billboard; and that all of the requirement changes came about when the County redid their comprehensive sign plan.

Mr. Reed testified that one of the requirements is the you cannot be within 600 ft. of an existing billboard; that they submitted a survey to show their compliance with requirements; that they are adjacent to the Shore Distributors warehouse, which acts as a huge billboard, and is only 20 ft. off of Coastal Highway; that there are businesses all along Route 1; that his understanding is that they meet all requirements for a billboard but that they still must obtain the special use exception from the Board of Adjustment; that the structure on the property has not been used as a dwelling for almost 30 years; that it was Parsell's Funeral Home, an outdoor furniture sales facility, and, most recently, a clothing boutique called Willow Marie; that he has owned the property for about a year; that it was vacant before his purchase of the property and is still currently vacant; that he is looking for tenants to occupy the structure as a potential office for real estate or a law firm; that the house was built in the 1930s he believes; that the property will likely be redeveloped; that the property is surrounded by commercial uses; that it is one of few houses left standing in this section of Route 1; and that there is no on-premises sign within 50 ft. of the proposed billboard.

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

Mr. Chorman closed the public hearing.

Dr. Carson moved to approve the application for Case No. 12722 for the requested special use exception, pending final written decision, based on the record made at the hearing and because the use will not substantially affect adversely the uses of neighboring and adjacent properties.

Motion by Dr. Carson, seconded by Mr. Williamson, carried that the **special use exception be granted for the reasons stated.** Motion carried 5 – 0.

The vote by roll call; Mr. Warfel– yea, Mr. Hastings – yea, Mr. Williamson – yea, Dr. Carson – yea, and Mr. Chorman – yea.

### **ADDITIONAL BUSINESS**

**Meeting adjourned at 8:12 p.m.**