

MINUTES OF JUNE 17, 2013

The regular meeting of the Sussex County Board of Adjustment was held on Monday, June 17, 2013, at 7:00 p.m. in the County Council Chambers, County Administrative Building, Georgetown, Delaware.

The meeting was called to order at 7:05 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 Mr. James Sharp – Assistant County Attorney, and staff members, Mr. Lawrence Lank – Director of Planning and Zoning, Ms. Thibodeau – Zoning Inspector II, and Mrs. Jennifer Norwood – Recording Secretary.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously to approve the Revised Agenda, with the Old Business moved ahead of the Public Hearings. Motion carried 4 – 0.

Motion by Mr. Rickard, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of May 6, 2013 and May 20, 2013 as circulated. Motion carried 5 – 0.

Motion by Mr. Workman, seconded by Mr. Rickard, and carried unanimously to approve the Finding of Facts for May 6, 2013 and May 20, 2013. Motion approved 5 – 0.

OLD BUSINESS

Case No. 11216 – Allen Harim Foods, LLC – west of Road 331 (Iron Branch Road) and southeast of Iron Branch and the Town of Millsboro. (Tax Map I.D. 2-33-5.00-14.00, 15.00, & 16.00)

An application for a special use exception for a potentially hazardous use (poultry processing facility).

Mr. Sharp stated that the Zoning Code requires that the Board shall consult with other agencies created for the promotion of public health and safety. This requirement was noted at the hearing but the Board did not include in its motion to table the case a direction that the Office of Planning and Zoning solicit comments from state agencies. In light of the Code requirement, it would be proper that the Board solicit those comments before voting on the Application.

Mr. Rickard stated that he would recommend that the Board move to re-open the record open for the limited purpose of consultation with those agencies, and that the Office of Planning and Zoning solicit comments from those agencies for a period not to exceed thirty (30) days, and then allow the public to offer written comments related to the comments offered by the State agencies for a seven (7) day period thereafter.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the **record be re-opened for the limited purpose to solicit comments from the State agencies through the Office of Planning and Zoning for a period not to exceed thirty (30) days, and**

to then allow the public to offer written comments related to the comments offered by the State agencies for a seven (7) day period thereafter. Motion carried 4 – 0. Mr. Hudson did abstained from the discussion and vote pertaining to this Application.

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

PUBLIC HEARINGS

Case No. 11217 –Leslie Brightbill & Lorraine Brightbill – east of Road 341-B (Pepper Creek Road) and being west of Long Leaf Road 850 feet north of South Dogwood Drive within Dogwood Acres and more specifically Lot 199.(Tax Map I.D. 1-34-6.00-222.00)

An application for a variance from the side yard and rear yard setback requirements.

Ms. Thibodeau presented the case. Leslie Brightbill and Lorraine Brightbill were sworn in to testify about the Application. Meagan Hudson, Esquire, presented the case to the Board on behalf of the Applicants and stated that the Applicants are requesting a variance of 1.4 feet from the required ten (10) feet side yard setback requirement and a variance of 0.8 feet from the required twenty (20) feet rear yard setback requirement for an existing dwelling; that the Property is zoned AR-1 Agricultural Residential; that the dwelling was built in the 1970s; that the Applicants purchased the Property on May 3, 2013; that the Property is undersized which makes the lot unique; that the Property cannot be otherwise developed in strict conformity with the Sussex County Zoning Ordinance; that the dwelling has been on the lot for forty (40) years and it would be an exceptional practical difficulty to move it into compliance; that a deck, porch, driveway, and septic system surround the house; that the neighborhood has been developed in a similar manner; that the variances are necessary to enable reasonable use of the Property; that the difficulty was not created by the Applicants as they did not place the dwelling on the Property; that the variances do not alter the essential character of the neighborhood; that the variances will not be detrimental to the public welfare; and that the variances are the minimum variances necessary to afford relief. Ms. Hudson submitted pictures for the Board to review. Mr. and Mrs. Brightbill, under oath, confirmed the statements made by Ms. Hudson.

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

Ms. Thibodeau stated that the Office of Planning & Zoning received one (1) letter in support of the Application.

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11217 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The Property is unique;
2. The difficulty was not created by the Applicants;
3. The variances will enable reasonable use of the Property;
4. The variances will not alter the essential character of the neighborhood since the dwelling has been on the Property for forty (40) years;
5. The variances sought are the minimum variances necessary to afford relief; and
6. The variances represent the least modification possible of the regulation in issue.

Motion by Mr. Rickard, 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. Workman – yea, Mr. Rickard – yea, Mr. Hudson – yea, Mr. Mills – yea, and Mr. Callaway – yea.

Case No. 11218 – Mary Sharma – northeast of Locust Street 425 feet northwest of Poplar Street and being approximately 650 feet southwest of Route 13A and Route 78 intersection. (Tax Map I.D. 2-32-12.18-21.00)

An application for a special use exception to have a tourist home.

Ms. Thibodeau presented the case. Mary Sharma and Amar Sharma were sworn in to testify about an application requesting a special use exception to have a tourist home. Mr. Sharma testified that the Applicants purchased the Property two (2) years ago; that the dwelling is approximately 6,500 square feet and is a large home; that the dwelling was vacant last year and was burglarized; and that prior to renting rooms the dwelling was vacant most of the time. Mr. Sharma submitted pictures of the Property to the Board. Mr. Sharma testified that there are six (6) parking spaces available for the tenants. Mrs. Sharma testified that there is parking in a garage as well; that there are four (4) full bathrooms; that the kitchen, laundry room, exercise room, den, and living room will be shared; that the Applicants will move into the dwelling after they retire; that the Applicants stay in the dwelling on weekends; and that the Applicants are aware that they cannot put separate cooking facilities in dwelling. Mr. Sharma testified that the Applicants have been renting rooms for approximately one (1) year; that they currently have two (2) tenants; that they plan to rent six (6) rooms; that the rentals will be a month-to-month basis; that the current tenants have lived in the home for one (1) year; that they were not aware the use was not permitted until they were notified by the Planning and Zoning Office; and that cooking facilities will only be allowed in the kitchen.

Ms. Thibodeau stated that the Planning and Zoning Office received a complaint, and that she contacted the Applicants, who then applied for the special use exception immediately.

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. Mills stated that he would move that the Board recommend approval of Special Use Application No. 11218 for the requested special use exception for a period of five (5) years based on the record made at the public hearing and that the use does not substantially affect adversely the uses of the adjacent and neighboring properties.

Motion by Mr. Mills, seconded by Mr. Rickard, and carried unanimously that the special use exception be **granted for the reasons stated for a period of five (5) years**. 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. 11219 – Robert E. Johnston, Trustee of the Ignacio Family Revocable Trust – east of Old Landing Road north of Breezewood Drive, being Lot 14, Block 8, within Breezewood at Rehoboth development. (Tax Map I.D. 3-34-13.00-364.00)

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

Ms. Thibodeau presented the case. Robert Johnston and Greg Wood were sworn in to testify about the Application. Adam Gerber, Esquire, presented the case to the Board on behalf of the Applicant and stated that the Applicant is requesting a variance of 0.60 feet from the ten (10) feet side yard setback requirement for an existing dwelling; that Mr. Johnston is the Trustee of the Ignacio Family Revocable Trust which owns the Property; that the existing dwelling was built in 1991; that a Certificate of Compliance has been issued for the existing dwelling; that the Trust acquired the Property in 2009; that the Trust intends to sell the Property; that a survey completed recently for settlement showed the encroachment into the side yard setback; that the Trust needs the variance in order to sell the Property; that the dwelling cannot be moved into compliance; that the Applicant was unaware of the encroachment when the Property was acquired in 2009; that the Property is narrower in the front yard than in the rear yard which makes the Property unique; that the variance is necessary to enable reasonable use of the Property; that the difficulty was not created by the Applicant; that the variance will not alter the character of the neighborhood since the dwelling has been on the Property since 1991; that the variance is the minimum variance necessary to afford relief; and that the existing shed has been moved into compliance. Mr. Gerber submitted exhibits to the Board.

Robert Johnston, under oath, confirmed the statements made by Mr. Gerber. Mr. Johnston testified that his parents were the previous owners of the Property; that the trust was created in 2009; that he was never aware of any issues with zoning; that there have never been any complaints in reference to the Property; and that a survey completed in March showed the encroachment.

Greg Wood testified that he is a local realtor who is familiar with the Property; that he feels the variance does not alter the character of the neighborhood; that the variance will not impair the uses of adjacent properties; that the Property cannot be developed in strict conformity with the Sussex County Zoning Ordinance; and that it would be detrimental to the dwelling to bring it into compliance.

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. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11219 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The Property is unique in size and shape due to the narrowness of the front yard;
2. The variance is necessary to enable reasonable use of the Property;
3. The difficulty was not created by the Applicant;
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. Rickard – yea, Mr. Workman – yea, and Mr. Callaway – yea.

Case No. 11220 – CMF Bayside, LLC – Americana Parkway and south of Signature Boulevard, approximately 900 feet south of the intersection of Rout 54 and Route 20 (Zion Church Road). (Tax Map I.D. 5-33-19.00-880.00)

An application for a special use exception to use a manufactured home type structure as a temporary welcome center for a period of five (5) years.

Ms. Thibodeau presented the case. Douglas Brown and James Willey, Jr., were sworn in to testify about the Application. James Fuqua, Esquire, presented the case to the Board on behalf of the Applicant. Mr. Fuqua submitted exhibits for the Board to review and stated that the Applicant is requesting a special use exception to use a manufactured home type structure as a temporary welcome center / sales center for a period of five (5) years; that the unit would be used for the Americana Bayside development; that the Applicant was previously using a manufactured home type structure for this use on a property located on Route 54 owned by the Applicant; that the Applicant obtained a special use exception for that location; that the current location of the welcome center is being developed for commercial use; that the Applicant intends to move two

(2) of the existing units to the Property for the welcome center / sales center; that the development is over fifty percent (50%) developed; that the center would be relocated to property within Americana Bayside on an area where a carousel was previously located; that the proposed location is commercial property and has adequate parking available; that the unit has an attractive appearance; that the Applicant plans to build a permanent welcome center near the site within the next five (5) years; that the use will not substantially adversely affect the surrounding or adjacent properties; and that the Property is surrounded by parking areas and commercial lands owned by the Applicant.

Mr. Brown, under oath, confirmed the statements made by Mr. Fuqua. Mr. Brown testified that the proposed unit is approximately ten (10) to fifteen (15) years old.

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 Special Use Application No. 11219 for the requested special use exception for a period of five (5) years based on the record made at the public hearing because the use does not substantially affect adversely the uses of the adjacent and neighboring properties. The parking for the proposed welcome center / sales center is also sufficient.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the special use exception be **granted for the reasons stated for a period of five (5) years**.
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. 11221 – Gregg Warner & Jamie Warner – east of Road 273A (Bald Eagle Road) and being 550 feet north of 1st Street, being Lot 21 and 22 within Bay Vista development. (Tax Map I.D. 3-34-19.16-6.00)

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

Ms. Thibodeau presented the case. Gregg Warner and Jamie Warner were sworn in to testify about an application requesting a variance of 4.3 feet from the required twenty (20) feet rear yard setback requirement for a proposed screen porch and a variance of 3.5 feet from the required five (5) feet side yard setback requirement for an existing shed. Gregg Warner testified that the Property is located within the Bay Vista development; that the Applicants intend to build a screen porch to protect against mosquitoes; that a pergola exists on the Property; that the Applicants would add two (2) feet to the pergola and that the proposed porch will measure eight (8) feet by sixteen (16) feet; that the lot is small in size; that the Property is fenced in, therefore

the proposed screen porch will not alter the character of the neighborhood; that the shed existed on the Property when the Applicants purchased the Property in 2010; and that the neighbor has a shed in the same corner of the Property. Mr. Warner submitted pictures of the Property to the Board.

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

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the case be taken under advisement. 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.

At the conclusion of the public hearings, the Chairman referred back to this case. Mr. Hudson stated that he would move that the Board recommend approval of Variance Application No. 11221 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The Property is unique in the way in which it was developed;
2. The dwelling has an existing pergola;
3. The difficulty was not created by the Applicants;
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. Hudson, 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. Rickard – yea, Mr. Workman – yea, Mr. Hudson – yea, and Mr. Callaway – yea.

Case No. 11222 – William D. Gulden – south of Road 302 (Hollymount Road) east of Greenbank Drive, being Lot 25A within Green Bank Estates development.(Tax Map I.D. 2-34-17.00-333.00)

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

Ms. Thibodeau presented the case. William Gulden and Diane Gulden were sworn in to testify about an application requesting a variance of five (5) feet from the required fifteen (15) feet side yard setback requirement for a proposed detached garage. Diane Gulden testified that the Applicant purchased the Property on June 28, 2012; that the Property is unique in shape due to the existing cul-de-sac; that there is not enough space due to the layout of the Property to place

a garage in compliance with the Sussex County Zoning Code; that the back corner of the Property is prone to flooding and has an existing swale that cannot be covered; that the location of the dwelling and septic system prevent the proposed detached garage from being built in strict conformity with the Sussex County Zoning Code; that the existing air conditioning unit and outside generator prevent the proposed detached garage from being built closer to the existing dwelling; that the variance is necessary to enable reasonable use of the Property; that the difficulty was not created by the Applicants; that the variance will not alter the character of the neighborhood; that the proposed garage will not have a negative impact on the environment; that the variance is the minimum variance necessary; that the Homeowners Association has approved the proposed detached garage; that the proposed detached garage will have the same siding and roofing as the existing dwelling; and that their neighbors support the Application. Ms. Gulden submitted letters of support for the Application.

Dennis Sirman was sworn in and testified in support of the Application and testified that he is the contractor; that the proposed detached garage will match the existing dwelling; and that it will be an asset to the neighborhood.

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.

Ms. Thibodeau stated that the Office of Planning & Zoning received five (5) letters in support of the Application.

Mr. Mills stated that he would move that the Board recommend approval of Variance Application No. 11222 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The Property is unique in shape due to the existing cul-de-sac;
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 due to the location of the existing septic system, swale and the orientation of the dwelling;
4. The difficulty was not created by the Applicants;
5. The variance will not alter the essential character of the neighborhood;
6. The Homeowners Association supports the Application;
7. The variance sought is the minimum variance necessary to afford relief.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be **granted 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.

The Board recessed for ten (10) minutes.

Case No. 11223 – Glenn Lebedz & Carol Lebedz – southwest of Second Hole (a.k.a. Bay Hill Drive) and 0.25 miles south of Sussex Pine Road (South 324) being Lot 3, Block E, within Golf Village development.(Tax Map I.D. 1-33-2.00-72.00)

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

Ms. Thibodeau presented the case. Glenn Lebedz was sworn in and testified requesting a variance of 2.1 feet from the required five (5) feet rear yard setback requirement for an existing shed; that the shed is located in the rear of the Property; that he purchased the Property eleven (11) years ago with the shed already in place at that time; that the Property is unique due to mature plantings and trees; that he was unaware of the encroachment at the time of purchase; that the existing landscape and paved walkway prevent the ability to move the shed into compliance; that the variance is necessary to enable reasonable use; that he would not be able to store his lawn tractor in the existing shed if the shed was moved into compliance; that the difficulty has not been created by the Applicants; that the variance will not alter the essential character of the neighborhood; that the variance is not detrimental to the public welfare; that the variance requested is the minimum variance necessary to afford relief; that the Applicants filed the Application after receiving a violation notice from the Planning and Zoning Department; and that there are three (3) sheds, two (2) of which are on neighboring properties, in violation to the setback requirements in the area.

Judith Davidson was sworn in and testified in opposition to the Application and testified that she is a nearby property owner that also had a shed in violation to the setback requirement; that she moved her shed into compliance; that she feels all three (3) sheds in violation should be moved into compliance; that she had four (4) mature trees removed in order to move the shed into compliance with the setback requirement; that she purchased her property eight (8) years ago and was unaware the existing shed did not comply with the setback requirements; that the owner of the third shed has constructed it without the proper building permits; and that that property owner relocated property markers.

In rebuttal, Glenn Lebedz, testified that the existing pathway and flower beds create a hardship to bring the shed into compliance; that a variance is needed to gain access to the shed; and that he believes the shed is on cinder blocks and it does have a wood floor.

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

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

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

At the conclusion of the public hearings, the Chairman referred back to this case. Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the case be **tabled until July 1, 2013**. 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. 11224 – Lighthouse Self Storage – north of Route 54 (Lighthouse Road) approximately 1,000 feet east of Lynch Road (Road 378A). (Tax Map I.D. 5-33-17.00-83.01)

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

Ms. Thibodeau presented the case. Douglas Clark was sworn in and testified requesting a variance of twenty (20) feet from the required sixty (60) feet front yard setback requirement for a proposed climate controlled mini storage building; that he is the owner of Lighthouse Self Storage; that the business was established in 2001; that this variance is necessary for the final building to be placed on the Property; that the previous setback requirement was forty (40) feet; that the setback requirement has changed since the existing buildings were constructed and completed in 2007; that the proposed location was originally needed for a septic system; that the Town of Selbyville now offers sewer to the Property; that the unique shape of the lot prevents the building from being built in strict conformity with the Sussex County Zoning Code; that the variance will enable reasonable use of the Property; that the proposed building will measure seventy-five (75) feet by twenty-five (25) feet; that the proposed building has been approved by the State Fire Marshal and storm water management approval has been granted; and that there is need for climate controlled storage units in the area.

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

Ms. Thibodeau read one (1) letter received by the Office of Planning & Zoning in opposition to the Application into the record.

Mr. Mills stated that he would move that the Board recommend approval of Variance Application No. 11224 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The Property is unique due to the setback requirement changes and the availability of sewer;
2. The difficulty was not created by the Applicant;
3. The variance is necessary to enable reasonable use of the Property;
4. The variance will not alter the essential character of the neighborhood;
5. The variance will not be detrimental to the public welfare; and
6. The variance sought is the minimum variance necessary to afford relief.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be **granted 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. 11225 – Delmarva Land Company LLC – east of U.S. Route 113 (DuPont Boulevard) northwest of Road 54A and at the intersection of DuPont Boulevard and Delaware Avenue. (Tax Map I.D. 4-33-11.00-17.01)

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

Ms. Thibodeau presented the case. Travis Martin and Richard Martin were sworn in to testify about the Application requesting a variance of forty five (45) feet from the required sixty (60) feet front yard setback requirement and a variance of fifteen (15) feet from the required sixty (60) feet front yard setback requirement for a proposed commercial building. Travis Martin testified that he owns Chesapeake Plumbing and Delaware Land Company; that the building is needed to expand his business; that the lot is triangular in shape; that there are roads on three sides of the Property; that the lot is a through lot; that the setback requirement creates only a twelve (12) foot building envelope on one side of the Property; that the Property cannot be developed in strict conformity with the Sussex County Zoning Code; that the variances are necessary to enable reasonable use of the Property; that the difficulty was not created by the Applicant; that the variances will not alter the character of the neighborhood; that there are no visible businesses nearby except for a car dealership owned by Richard Martin on the other side of Route 113; that there are no nearby residences; that the use will enhance the neighborhood; that the variances will not impair the uses or development of adjacent properties; that the variances will not be detrimental to the public welfare; that variances requested are the minimum variances to afford relief; that he was approved for the same variance in 2007; that he has received three (3) extensions from the Board; that in 2010 he installed a \$30,000.00 entrance per requirements by the Delaware Department of Transportation (“DelDOT”); that he was unable to construct the building at that time; that his business has improved and he can now afford to build the building; that he has all agency approvals pending approval of the variances; that there are no changes from the prior applications or the design of the buildings; and that he has already invested approximately \$75,000.00 into this project.

The Board found that one (1) party 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. 11225 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 and shape;
2. The variances are necessary to enable reasonable use of the Property;
3. The difficulty was not created by the Applicant as the Property was not designed 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. Mills, 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. Workman – yea, Mr. Rickard – yea, Mr. Hudson – yea, Mr. Mills – yea, and Mr. Callaway – yea.

Meeting Adjourned 8:45 p.m.