

## **MINUTES OF JUNE 6, 2022**

The regular meeting of the Sussex County Board of Adjustment was held on Monday, June 6, 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 John Williamson presiding. The Board members present were: Dr. Kevin Carson - absent, Mr. Jeff 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, Mr. Chase Phillips – Planner, and Ms. Amy Hollis – Recording Secretary.

The Pledge of Allegiance was led by Mr. Williamson.

Motion by Mr. Warfel, seconded by Mr. Hastings and carried unanimously to amend the agenda to have cases 12696 and 12697 heard together. Motion carried 4 – 0.

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

Motion by Mr. Warfel, seconded by Mr. Hastings and carried unanimously to approve the amended agenda. Motion carried 4 – 0.

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

Motion by Mr. Chorman, seconded by Mr. Warfel and carried to approve the Minutes for the April 4, 2022, meeting. Motion carried 4 – 0.

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

Motion by Mr. Hastings, seconded by Mr. Warfel and carried to approve the Findings of Facts for the April 4, 2022, meeting. Motion carried 4 – 0.

The vote by roll call; Mr. Chorman – yea, Mr. Hastings – yea, Mr. Williamson – yea, and Mr. Warfel – 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. 12686 – Kathy Harris** seeks a variance from the front yard setback requirement for a proposed structure (Sections 115-42, 115-182, and 115-185 of the Sussex County Zoning Code). The property is located on the corner of Sandy Cove Road and Pine Crest Drive within the Pine Crest Terrace Subdivision. 911 Address: 30102 Pinecrest Drive, Ocean View. Zoning District: GR. Tax Parcel: 134-9.00-136.00

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 variance of 9.9 ft. from the 40 ft. front yard setback requirement for a proposed dwelling.

Ms. Kathy Harris was sworn in to give testimony about their Application.

Ms. Harris testified that she is requesting a 9.9 ft. variance from Sandy Cove Road which the County has determined as her front yard; that, due to the location and size of the property being a corner lot, the setback restricts the buildable area of her 107 ft. long property; that the buildable area after the setbacks are factored in is only 37% of the overall property; that the proposed unit is 70 feet by 24 feet and it would extend into the setback by 9.9 ft. despite offsetting the placement as much as they can; that there is no way to move the unit or orient it differently to avoid the need for the variance; that the proposed structure will only extend 4 ft. beyond an existing block wall; that there are other homes to the east on that road that are closer to the road than her proposed home, meaning that her proposed structure would not alter the character of the neighborhood or affect adjacent properties; that she has determined placement of the structure to minimize the need for a variance to only one side of the property; that the property is serviced by sewer and water from Sussex Shores; that there is no HOA; that she was here previously but her case needed to be re-advertised; that her neighbors are in support of the request and excited for her; that the structure is a manufactured home; that the site plan showing the steps to the rear of the property is the correct one; that the deck and steps will be uncovered; that there is about a 4-5 ft. gap between her property line and the edge of paving of Sandy Cove Road; and that anything else off of the home, including the HVAC, will be located within the building envelope.

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

Mr. Williamson closed the public hearing.

Mr. Chorman moved to approve Case No. 12686 for the requested variances, pending final written decision, for the following reasons:

1. The property has unique physical conditions due to the exceptionally small buildable area and the orientation of the lot;
2. The exceptional practical difficulty was not created by the Applicant; and
3. The variance 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.

Motion by Mr. Chorman, seconded by Mr. Warfel, carried unanimously that the **variance be granted for the reasons stated**. Motion carried 4 – 0.

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

**Case No. 12696 – Owen Kirby** seeks a variance from the maximum fence height requirement. (Section 115-34, 115-184, and 115-185 of the Sussex County Zoning Code). The property is located on the south side of Dune Road at the corner of Coastal Highway. 911 Address: 39532 Dune Road, #2, Bethany Beach. Zoning District: MR. Tax Parcel: 134-5.00-74.00-2

Mr. Phillips presented the case and stated that the Office of Planning and Zoning received two (2) letters in support of, zero in opposition to the Application, and one mail return. The Applicant is requesting a variance of 2.5 ft. from the 3.5 ft. maximum fence height requirement for 20 ft. of the proposed fence.

**Case No. 12697 – Ann Purcell** seeks a variance from the maximum fence height requirement. (Section 115-34, 115-184, and 115-185 of the Sussex County Zoning Code). The property is located on the north side of Cove Road at the corner of Coastal Highway. 911 Address: 39535 Cove Road, #1, Bethany Beach. Zoning District: MR. Tax Parcel: 134-5.00-75.00-1

Mr. Phillips presented the case and stated that the Office of Planning and Zoning received two (2) letters in support of, zero in opposition to the Application, and two (2) mail returns. The Applicant is requesting a variance of 2.5 ft. from the 3.5 ft. maximum fence height requirement for 95 ft. of the proposed fence.

Case Nos. 12696 and 12697 were heard together.

Ms. Ann Purcell, Ms. Barbara Goyette, and Mr. Owen Kirby were sworn in to give testimony about their Applications. Mr. Kirby participated via telephone.

Ms. Purcell testified that she and her sister own a house and Mr. Kirby owns the house behind their home; that these properties share a common area; that the properties are adjacent to Coastal Highway which is why they are requesting the variance for a fence to be placed; that they will be sharing the fence between their properties but their portion will run farther along their property; that

they have a berm where the highway has a pull over spot next to their driveway; that this fence is for the safety of children and pets on their property; that there are portions of their property where there is nothing between their property and the highway; that Mr. Kirby's portion of the fence will be along 20 ft. of the common area and their fence will run the remainder of their property; that, along the grassy area between their property and the highway, there is a drainage ditch which fills with water causing another safety hazard; that, because they have a corner lot, they have to obtain additional approval for fence height; that they are requesting a 6 ft. fence because their side entrance, outdoor shower, and common area are all accessed on that side of their property; that landscapers and bikers use the berm adjacent to their property for parking; that she has come out of her house and people are on her property standing next to their outdoor shower; that they are looking to place a fence there for all of those reasons; that they have grandchildren and dogs; that the dogs tend to run once the door of the car is opened; that there are some bushes at the front of the property and a fence at the front of the driveway that is in need of repair; that there is no foliage between the berm and their driveway; that the speed limit is 55 mph on that highway; that the berm is an extension of the highway; that there is a sign that says no parking but it is not abided by; that landscapers have been under her home looking for shade while working; that the berm is within 1-2 ft. of her property line; that the proposed fence will be placed on her and Mr. Kirby's property line; that they plan on having the fencing lower towards the corner of their road and Coastal Highway to minimize visibility issues; that she is unsure where the property line is exactly but she thinks that it is about 4 ft. from the property line to the walking path on the roadway; that someone told her the berm is a bus stop, though she has never seen a bus stop there; that Mr. Kirby's property is set back farther off of the road than their due to the angle of the properties; that there is a utility box at the edge of the property; that they own one half of a duplex; that each duplex has its own HOA; that they both obtained approval from their respective HOAs for the fence; that they are not boxing in their property; that they got approval from the Tower Shores Community Board though they did not need to get approval; that, within the first block of Tower Shores, there is an existing fence; that the fence will be a vinyl picket fence; that it is a safety issue and not for personal preference; and that they submitted pictures of the current fence which will be replaced and extended into the new fence but will remain at the same height.

Ms. Goyette testified that the berm butts right up to their driveway absent a few bushes; that there is a side entrance to the home next to the berm; that a picture submitted with the application was to show how close the berm and the highway are to their property; that on Coastal Highway there are other 6 ft. fences in other communities; and that the fence will stop about 6 ft. from Cove Road.

Mr. Kirby testified that he believes the statements from Ms. Purcell and Ms. Goyette to be true and accurate; that they are dog owners and they have extended family members that visit them; that the common area to be fenced in is the only grassy area to be utilized for either children or pets; that the area is very restrictive when it comes to pets; that it is a safety issue for them as well; that the noise is one thing but the risk of traffic and the drainage ditch that runs along their property; that the drainage ditch runs the entire length of his property; that he has trees and plant growth along the Coastal Highway portion for part of his property line; that he does not have the berm adjacent to his property; that the drainage ditch is more of a concern and liability for them; that somewhere the math

is wrong on the total linear footage of the fence; and that he does not currently have a fence on his property and will only be placing the 20 ft. of fencing within the common area.

Staff clarified the linear footage of the fence and variances needed:

- The Purcell property needs a variance of 0.5 feet from the 3.5 feet maximum fence height requirement for a proposed fence running 32 feet along Route 1 measuring 4 feet tall;
- The Purcell property needs a variance of 2.5 feet from the 3.5 feet maximum fence height requirement for a proposed fence running 95 feet along Route 1 measuring 6 feet tall; and
- The Kirby property needs a variance of 2.5 feet from the 3.5 feet maximum fence height requirement for a proposed fence running 20 feet along Route 1 measuring 6 feet tall.

The Board found that two people appeared in support of and no one appeared in opposition to Case No. 12696.

The Board found that one person appeared in support of and no one appeared in opposition to Case No. 12697.

Mr. Williamson closed the public hearing.

Mr. Hastings moved to approve Case No. 12696 for the requested variance, pending final written decision, for the following reasons:

1. The variance 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
2. The variance represents the minimum variance necessary to afford relief.

Motion by Mr. Hastings, seconded by Mr. Warfel, carried unanimously that the **variance be granted for the reasons stated**. Motion carried 4 – 0.

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

Mr. Hastings moved to approve Case No. 12697 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; and
2. The variances represent the minimum variances necessary to afford relief.

Motion by Mr. Hastings, seconded by Mr. Warfel, carried unanimously that the **variances be granted for the reasons stated**. Motion carried 4 – 0.

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

**RECESS - 6:47 PM – 6:52 PM**

**Case No. 12698 – Cathy Harris** seeks variances from the side yard setback requirement for existing structures. (Sections 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the southwest side of Pondview Drive within the Red Mill Manor Subdivision. 911 Address: 31274 Pondview Drive, Lewes. Zoning District: AR-1. Tax Parcel: 235-23.00-12.00

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 zero mail returns. The Applicant is requesting variances of 8.2 ft. and 1.2 ft. from the 10 ft. side yard setback requirement on the south side for an existing dwelling.

Ms. Cathy Harris was sworn in to give testimony about her application.

Ms. Harris testified that the right rear corner of the home is very close to the property line - 1.8 ft. according to the survey; that the structure was originally built in or around 1945 and an addition was placed which created the issue at hand; that the property was purchased by a friend of hers who has since passed away and willed it to her; that the property was purchased in 1981 and the condition existed; that the building was existing prior to their purchase and they have no plans for the development of the property; that she is considering selling the property but was told that she would need to obtain a variance for the property first; that the property was purchased by her friend in 2001; that the addition was constructed in 1984; that the neighborhood is not affected by the closeness of the dwelling to the property line; that they have been renovating the home for the past several years; that it was originally a fishing cabin; that there were seven (7) total fishing cabins; that, based on the lot lines, the house would always be too close to the property line; that they have resided the home to make it more appealing; that the neighbors have no complaints about the home being there; that the addition in 1984 has created the issue at hand but the home was too close to the property line prior to the addition being constructed; that the house was left to her in 2002 after her friend's passing; that the pump house on the survey has since been moved; that the property has well and septic; that the well is in the rear yard and the septic is in the front yard; that both systems are within the building envelope; that there is a bulk head at the rear of her property; and that there is a 4 ft. drop down at the rear of her property.

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

Mr. Williamson closed the public hearing.

Mr. Warfel moved to approve Case No. 12698 for the requested variances, pending final written decision, for the following reasons:

1. The property has unique conditions due to the pre-existing building's condition;
2. That, due to the physical conditions, the property cannot be developed in strict conformity with Sussex County Zoning Code and the variances are necessary to enable the reasonable use of the property;
3. The exceptional practical difficulty was not created by the Applicant;
4. 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; and
5. The variances represent the minimum variances necessary to afford relief.

Motion by Mr. Warfel, seconded by Mr. Chorman, carried unanimously that the **variances be granted for the reasons stated.** Motion carried 4 – 0.

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

**Case No. 12699 –Bruce Sentman Jr.** seeks variances from the rear yard setback requirement for a proposed structure. (Sections 115-25 and 115-185 of the Sussex County Zoning Code). The property is located on the southeast side of Sheep Pen Road approximately 135 feet from Godwin School Road. 911 Address: 24230 Sheep Pen Road, Millsboro. Zoning District: AR-1. Tax Parcel: 133-16.00-73.03

Mr. Phillips 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 10.6 ft. and 12.3 ft. variance from the 20 ft. rear yard setback requirement for a proposed garage addition.

Mr. Bruce Sentman Jr. was sworn in to give testimony about his application.

Mr. Sentman testified that he is seeking a variance for an addition to his shop; that adding on to the rear of his shop is the only option due to the placement of his well and septic systems; that the shop is existing and was placed there due to the location of his drain field and having the ability to back a trailer into the garage; that placing the addition on the rear of the building would make the addition not visible from the road nor change anything within the neighborhood; that he has a letter

from his neighbor to the rear of his property in support of his application; that he needs room to turn around vehicles; that DelDOT mandated his driveway entrance and that it could only be to one side and that limited where the building could be located; that his drain field is located by his pool in the open area; that the south side of his yard is low lying and holds water after storms; that there is a row of trees lining his side yard; that the neighbor in support would be the most directly affected; that he has not spoken with any of his other neighbors apart from one who was also okay with it; that the property to the rear of the lot is used as a horse pasture; that he has a conditional use for his lawn mower repair business which requires him to keep all materials stored inside and the addition is to add additional storage for that business; that he obtained the conditional use in 2014; that you will only be able to see the addition from behind it or being beside it; that he has a shed in the other corner of his property and he would not be able to access it with his trailer; that, if he added to the other building, it would block his access to this garage; that the rear corner of the lot is inaccessible with a vehicle; that the proposed location of the addition will afford him with access to the addition; that the addition will be used to store lawn mowers; that his conditional use is for a lawn mower repair business; and that he has had no violations and this will not require additional approval for the conditional use.

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

Mr. Williamson closed the public hearing.

Mr. Hastings moved to approve Case No. 12699 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; and
2. The variances represent the minimum variances necessary to afford relief.

Motion by Mr. Hastings, seconded by Mr. Warfel, carried unanimously that the **variances be granted for the reasons stated**. Motion carried 4 – 0.

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

**Case No. 12700 – Lara Weathersbee** seeks variances from the front yard setback requirement for proposed structures (Sections 115-42 and 115-182 of the Sussex County Zoning Code). The property is located on the northwest side of Shady Ridge Drive within the Shady Ridge Subdivision. 911 Address: 125 Shady Ridge Drive, Rehoboth Beach. Zoning District: GR. Tax Parcel: 334-13.00-580.00



Ms. Norwood presented the case and stated that the Office of Planning and Zoning received one letter in support of and no correspondence in opposition to the Application and one (1) mail return. The Applicant is requesting a 14.8 ft. and a 15 ft. variance from the 30 ft. front yard setback requirement for a proposed dwelling.

Ms. Lara Weathersbee was sworn in to give testimony about her application.

Ms. Weathersbee testified that she has recently purchased this lot; that the property is unique due to its topography and the fact that it is about 80% wetlands; that the building envelope is very small; that, with the 30 ft. setback, the home would be extremely thin, not even as wide as a double-wide mobile home; that, with the setback reduced to 15 ft., she could have a small single-family home; that the house will measure 26 feet by 42 feet with porches; that she submitted a proposal of the home with her application; that there is no ability to keep a backyard but she plans to keep some of a side yard; that she did not create the topography or wetlands on the property; that she does not believe that she can develop the property or build a house without the variance; that the property is on a dead end street with three (3) undeveloped lots on it; that her neighbor is present and in support of her application; that the plan for those three (3) undeveloped lots is to turn them into single family homes with her two (2) best friends from college; that they plan on constructing homes that are similar in nature; that her building envelope would be increased to 35 feet by 55 feet if the variance were granted, allowing her to construct a single-family home; that the retaining wall is already constructed and there is a 10 ft. easement that is County owned from the pavement to her property line; that the property was purchased less than a year ago and she was aware of the wetlands but not how limited the building options would be; that the three lots adjacent to each other all have a retaining wall; that her neighbor has obtained a similar variance; that the home she is proposing would be similar in nature to the homes already existing in the neighborhood; that all additional items of the home, such as the steps for the porches, will be within the building envelope; that the square footage will be just under 2,000 square feet as a two-story dwelling; and that there needs to be a buffer between the retaining wall and the dwelling in the event repairs are needed and to aid in drainage.

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

Mr. Williamson closed the public hearing.

Mr. Warfel moved to approve Case No. 12700 for the requested variances, pending final written decision, for the following reasons:

1. The property has unique conditions due to the exceptionally small buildable area, wetlands and retaining wall;
2. That, due to the physical conditions, the property cannot be developed in strict conformity with Sussex County Zoning Code and the variances are necessary to enable the reasonable use of the property;

3. The exceptional practical difficulty was not created by the Applicant;
4. 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; and
5. The variances represent the minimum variances necessary to afford relief.

Motion by Mr. Warfel, seconded by Mr. Hastings, carried unanimously that the **variances be granted for the reasons stated**. Motion carried 4 – 0.

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

**Case No. 12701– American Legion, Oak Orchard-Riverdale Post 28, Department of Delaware, Inc.** seeks a special use exception to operate a temporary sales tent. (Sections 115-83.6 and 115-210 of the Sussex County Zoning Code). The property is located on the southwest side of Legion Road approximately 0.7 miles from John J. Williams Highway. 911 Address: 31768 Legion Road, Millsboro. Zoning District: CR-1. Tax Parcel: 234-29.00-263.00

Mr. Phillips presented the case and stated that the Office of Planning and Zoning received no letters in support of or in opposition to the Application, and zero mail returns. The Applicant is requesting a special use exception to operate a temporary sales tent for a period of five (5) years, from the 17<sup>th</sup> of June through the 11<sup>th</sup> of July.

Mr. Fred Young was sworn in to give testimony about her application.

Mr. Young testified that he was here a year prior for a different case; that he is employed with Keystone Novelties Distributors; that he believed a representative from the American Legion would be present but that they do not need to be as they are leasing the property for the purposed of placing the temporary sales tent; that they plan to sell fireworks and novelties from June 22 through July 4; that they are asking for additional time for the setup and break down of the tent; that they typically request the breakdown of the tent and it is completed within 3 days; that the sales period would be 13 days; that they have been granted special use exceptions in the past and they have had no issues with those tents; that they were previously granted for 3 years; that the tent is manned 24 / 7 due to the tent not able to be locked to protect the merchandise; that they also have a storage unit to secure some product but need a designee to be on-premise to secure the other product; that there is a dirt lane on the property and grass area for parking of patrons of the tent; that the hours will vary being open to 9 pm from June 22 to July 1, until 10 pm on July 2 and 3 and until 11 pm on July 4 but they would abide by any other local based laws or rules on those sales; that the Delaware law does not allow for sales of fireworks beyond the 4<sup>th</sup> of July; that they have requested additional time for setup and breakdown just to be on the safe side in the event of emergency; that their lease agreement with the Legion is until the 10<sup>th</sup> of July; that the tent companies tend to break it down as soon as possible; that, at other locations, the tent was removed within two (2) days; that the granting of the special use

exception will not adversely affect the use of the Legion's property; that the Legion's board reviewed their proposal and agreed; that they do not know how much additional traffic this will create; that this location is not on a main road as they are used to being in a much higher traffic area; that the Legion is promoting this sales event which they believe will draw in patrons; that traffic increases closer to the 4<sup>th</sup> of July so they cannot determine the impact of traffic; that there will be no parking in the Legion's parking lot; that patrons typically are not there for more than 10-15 minutes; that their tent is not served by air conditioning but has sides; that he is not familiar with the area or the other uses nearby; that there are lights activated at dusk in the tent and are turned off once the tent closes each night; that they are temporary halogen lights; that the tent is closed off at night; that he believes the buildings to the back of the property are storage for the American Legion but that they are distanced away from the placement of their tent; that they sell novelty items that are ground based; that they do not foresee any spark issues with their products being close to either residential or commercial properties; that there is no music permitted in their tent; that they do not permit employees to attract attention to the tent; and that they prefer for shoppers to get in and out quickly.

Ms. Norwood noted that there is a pavilion on the property per assessment records.

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

Mr. Williamson closed the public hearing.

Mr. Hastings moved to approve Case No. 12701, subject to conditions, for the requested special use exception, pending final written decision and based on the record made the public hearing, for the following reasons:

1. The special use exception will not substantially affect adversely the uses of neighboring and adjacent properties; and
2. The special use exception be for a period of three (3) years for use on the dates June 22<sup>nd</sup> to July 11<sup>th</sup> each year and that the said time period shall include time necessary to tear down and set up the tent.

Motion by Mr. Hastings, seconded by Mr. Warfel, carried unanimously that the **special use exception be granted with conditions for the reasons stated.** Motion carried 4 – 0.

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

### **ADDITIONAL BUSINESS**

#### **Case 12225 Lands of Old Orchard Ventures, LLC** – Extension Request

Mr. Phillips stated that the Applicant seeks an extension of a special use exception approval for a period of one (1) year.

Mr. Sharp advised the Board that this Applicant was approved and the approval was appealed to the Delaware Supreme Court and that approval was not finalized for quite some time.

Mr. Phillips stated that there is an active site plan with the Planning & Zoning Commission with agency comments.

Motion by Mr. Warfel, seconded by Mr. Chorman, to approve the extension for a period of one year as good cause has been shown. Motion carried 4 – 0.

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

#### **Case 12587 Lands of Rollin and Lisa Bell** – Extension Request

Ms. Norwood explained the request and stated that the Applicants request an additional one (1) year extension.

Motion by Mr. Warfel, seconded by Mr. Hastings, to approve the extension for a period of one year as good cause has been shown. Motion carried 4 – 0.

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

**Meeting adjourned at 7:43 p.m.**