

MINUTES OF MAY 15, 2017

The regular meeting of the Sussex County Board of Adjustment was held on Monday, May 15, 2017, at 7:00 p.m. in the County Council Chambers, 2 The Circle, Georgetown, Delaware.

The meeting was called to order at 7:00 p.m. with Chairman Dale Callaway presiding. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Jeff Hudson, Mr. Norman Rickard, and Mr. Brent Workman. Also in attendance were Mr. James Sharp – Assistant County Attorney, Mr. Vince Robertson – Assistant County Attorney, and staff members Ms. Janelle Cornwell – Director of Planning and Zoning, Mrs. Jennifer Walls – Planning Manager, and Ms. Christin Headley – Recording Secretary.

The Pledge of Allegiance was led by Mr. Callaway.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to move Case No. 11962 – Jill Cicierski & June Cicierski to second in the Public Hearings and approve the Revised Agenda as circulated and amended. Motion carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously to approve the Minutes and Finding of Facts for April 3, 2017. Motion carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes and Finding of Facts for April 17, 2017. Motion carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously to approve the Minutes and Finding of Facts for May 1, 2017. Motion carried 5 – 0.

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

PUBLIC HEARINGS

Case No. 11959 – Mark J. Clark & Sandra J. Clark - seek a variance from the height requirement for a fence on a through lot (Section 115-185 of the Sussex County Zoning Code). The property is located on the southwest side of Mulberry Lane approximately 367 feet northwest of Cedar Drive (Route 30). 911 Address: 34032 Mulberry Lane, Lewes. Zoning District: MR-RPC. Tax Map No.: 3-34-6.00-556.00.

Mrs. Walls presented the case and stated that the Office of Planning and Zoning received three (3) signatures and a letter from the property management company in support of the Application and no letters in opposition to the Application.

Saundra J. Clark was sworn in and testified requesting a variance of 2.5 feet from the 3.5 feet fence height requirement on a through lot. The proposed fence would be six (6) feet tall.

Mrs. Clark testified that she is requesting a height variance for a fence that will be six (6)

feet tall; that the proposed fence will line the rear yard around the pool; that the Board previously approved a variance for the pool; that the Property is a through lot which makes it unique; that the Sussex County Zoning Code restricts the height of a fence to 3.5 feet tall but a fence must be 6 feet tall to surround a pool; that the proposed fence will enclose in her backyard where the pool will be located; that the exceptional practical difficulty was not created by the Applicants; that neighboring properties have existing privacy fences; that neighbors support the Application; that the proposed fence will enhance the aesthetics of the rear yard and will match other nearby privacy fences; that the homeowners association approves of the fence; that the variance requested is the minimum variance necessary to afford relief; that the Property is adjacent to Plantations Road; that the fence will serve as a deterrent for persons walking along Plantations Road from using the pool; and that there is no direct vehicular access from the home to Plantations Road.

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

Mr. Mills moved to approve Variance Application No. 11959 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 fact it is a through lot with two front yards;
2. The exceptional practical difficulty was not created by the Applicants;
3. The Property was not developed by the Applicant;
4. The variance will not alter the essential character of the neighborhood;
5. There are similar fences in the neighborhood; 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. Rickard – yea, Mr. Workman – yea, Mr. Hudson – yea, Mr. Mills – yea, and Mr. Callaway – yea.

Case No. 11962 – Jill Cicierski & June Cicierski - seek a variance from the height requirement for fences, a special use exception to operate a commercial dog kennel, and a special use exception for a garage / studio apartment (Section 115-23 and 115-185 of the Sussex County Zoning Code). The property is located on the northeast side of Gravel Hill Road (Route 30) approximately 754 feet southwest of intersection of Gravel Hill Road (Route 30) and Neptune Road (SCR 251). 911 Address: 16808 Gravel Hill Road, Milton. Zoning District: AR-1. Tax Map No.: 2-35-25.00-4.10.

Mrs. Walls presented the case and stated that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application.

Mr. Sharp advised the Board that his firm has represented the Applicant in the past and that Mr. Robertson was present to represent the Board during the hearing.

Jill Cicierski and June Cicierski were sworn in to testify about the Application. David Hutt, Esquire, presented the case on behalf of the Applicants and submitted exhibits for the Board to review.

Mr. Hutt stated the Applicants are requesting a special use exception for a garage studio apartment, a special use exception to operate a commercial dog kennel, a variance of one (1) foot from the seven (7) feet height requirement for an existing fence, and a variance of two (2) feet from the 3.5 feet height requirement for an existing fence; that the parcel is 3.2 acres in size and zoned AR-1; that, in April 2017, a violation was received for the height of the rear yard fence being 7 feet 4 inches tall; that there has been no breeding of dogs at the location without a special use exception; that one owner breeds dogs but at a different location out-of-state; that the survey shows the proposed dwelling; that the survey shows the proposed pasture; that the existing fenced in area is for a dog run; that the existing kennels are located in the proposed garage studio apartment building; that the type of fencing proposed is represented within the exhibit book; that the pole barn is existing; that the breed of dogs that will be sold are short haired pointers; that the irregular topography of the land makes the property unique; that the surrounding lots are large with structures far from the road with usage of the front yard; that there is a twenty five foot right of way from the edge of paving to the property line making the front yard fence thirty five feet from Route 30; that the variation in topography and the setback from Route 30 was not created by the Applicants; that the surrounding uses are agricultural; that three neighbor responses were provided to the approval letter; that horses are kept in the pasture area creating the need for the taller fences; that when the puppies are born, they are kept on the Property for seven to eight weeks; that for approximately 21-24 weeks out of the year, puppies will be located on the Property; that puppies are kept inside to avoid disease and when let outside they will be in the fenced in area; that the garage studio apartment is less than 800 square feet; and that the Applicants intend to live in the garage apartment while building the proposed dwelling.

Jill Cicierski, under oath, affirmed the statements made by Mr. Hutt.

Ms. Cicierski testified that the horses located on the Property are for pleasure and that the fence surrounding the pasture is see through.

Leslie Hayes was sworn in to testify in support of the Application. Mrs. Hayes testified that she is a neighbor; that she also has horses; and that she supports the Application.

Paul Reiger was sworn in to testify in opposition to the Application. Mr. Reiger testified that he does not believe it is the Board of Adjustment's decision to approve the fence variance and that the front fence around the pasture does not require a variance.

Barbara Manship was sworn in to testify in opposition to the Application. Mrs. Manship testified that she is the previous owner of the lot; that at the time of purchase, only horses were mentioned to be on the lot; that why approve the lot for commercial use when the surrounding area is all agricultural use; and that she is concerned about the noise.

Joe Marino was sworn in to testify in opposition to the Application. Mr. Marino testified that he is concerned about the noise from the dog kennels; that he is against a commercial use in an agricultural residential neighborhood; that there have been lies by the owners; that breeding is happening on the lot and puppies are being advertised for sale; and that, on April 24, 2016, a violation was issued. Mr. Marino submitted exhibits to the Board to review.

Eileen Marino was sworn in to testify in opposition to the Application. Mrs. Marino testified that the Applicants currently rent out the Property; and that noise is an issue.

Rhonda Manship & Richard Manship were sworn in to testify in opposition to the Application. Mr. and Mrs. Manship testified that their main concern is the noise from the kennel.

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

The Board found that six (6) parties appeared in opposition to the Application.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the special use exception be **tabled until June 5, 2017**. Motion carried 5 – 0.

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

Case No. 11960 – Delmarva Power & Light - seeks a variance from the minimum buffer and landscape requirements (Section 115-194.1 of the Sussex County Zoning Code). The property is located on the southwest side of Coastal Highway (Route 1) approximately 340 feet southeast of Dartmouth Drive. 911 Address: 18200 Coastal Highway, Lewes. Zoning District: C-1. Tax Map No.: 3-34-6.00-497.00 & 496.00.

Mrs. Walls presented the case and stated that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application.

Jim Smith was sworn in to testify about the Application. Shannon Carmean Burton, Esquire, presented the case on behalf of the Applicant and submitted exhibits for the Board to review.

Mrs. Burton stated that the Applicant is requesting a variance from the minimum buffer and landscape requirements; that this request is a part of the Midway Substation Expansion Project; that Mr. Smith is the Senior Public Affairs Manager for Delmarva Power; that the Applicant has owned the Property since 1960 and purchased nearby property in 2015 to expand the substation; that a conditional use for the expansion of the substation was approved by Sussex County Council on March 7, 2017; that the issues with the landscape buffer were addressed during the presentation to both the Planning & Zoning Commission and Sussex County Council as part of the conditional use application process; that the Applicant has safety, maintenance, and security concerns with the landscape buffer; that Sussex County Council imposed 4 conditions on the conditional use but did not require landscaping; that the Applicant seeks a waiver of the landscape buffer requirement; that the Property is unique; that the Property is the site of the Midway Substation and is a major electrical interconnection point; that the Property consists of two parcels; that the Property is irregularly shaped and is located along the Route 1 corridor in a predominately commercial zone; that the Applicant is expanding its substation to meet its customers' service needs; that the exceptional practical difficulty is related to the uniqueness of the Property; that there is no possibility that the Property can be developed in strict conformity with the Sussex County Zoning

Code; that any landscape buffer would be in close proximity to both overhead and underground utilities and propose safety hazards and risks; that the Applicant has used the Property since 1960 with no landscape buffer; that the variance will not alter the character of the neighborhood or be detrimental to the public welfare; that the Planning & Zoning Commission found that the proposed substation will promote the health, safety, and welfare of Sussex County residents; that neighboring properties do not have a landscape buffer; and that the variance requested represents the minimum variance necessary to afford relief.

Mr. Smith testified that the Property is the site of a major interconnection point that serves 3,000 to 4,000 customers between Five Points and Rehoboth; that there are three concerns with the landscape buffer requirement: reliability, safety, and security; that the Applicant refrains from planting trees and vegetation outside their substations because trees can grow into the electric infrastructure and powerlines; that the Midway Substation transfers a significant amount of electricity to and from the site; that trees located near powerlines can cause a tremendous reliability and safety problems – particularly if limbs break off during storms; that the site also has underground utilities which need to be accessed as well; that the Applicant has also been clearing vegetation near substations and powerlines due to increase in copper theft over the past 10-15 years; and that the landscape buffer can provide shielding to copper thieves or other persons seeking unauthorized access to the site.

Mr. Smith, under oath, affirmed the statements made by Mrs. Burton.

Sonia Marichic-Goudy was sworn in to testify about the Application. Ms. Marichic-Goudy presented the site plan and testified that the fenced in area of the site plan is the location of all the electrical equipment; that outside of the fenced in area is the stormwater management system; that the stormwater management area will be located between the substation and Route 1; that the existing entrance will be used; that the buffer will be located between Route 1 and the stormwater management system; and that a grass / turf buffer is being proposed.

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

Mr. Mills moved to approve Variance Application No. 11960 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The Property is unique in its use, safety, and reliability;
2. That requiring the Applicant to meet the landscape buffer requirement would create a safety problem;
3. The variance is necessary to enable reasonable use of the Property;
4. The exceptional practical difficulty was not created by the Applicant;
5. The variance will not alter the essential character of the neighborhood;
6. The variance sought is the minimum variance necessary to afford relief; and
7. The variance is not detrimental to public welfare.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance to allow for a grass buffer be **granted for the reasons stated**. Motion carried 5 – 0.

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

The Board took a ten (10) minute recess.

Case No. 11961 – Faith United Methodist Church Inc. - seeks a special use exception to operate a Homeless Shelter (Section 115-23 of the Sussex County Zoning Code). The property is located on the southeast corner of Lewes-Georgetown Highway (Route 9 / 404) at the intersection with Church Street. 911 Address: 19940 Church Street, Lewes. Zoning District: AR-1. Tax Map No.: 3-34-5.00-215.00.

Ms. Cornwell presented the case and stated that the Office of Planning and Zoning received six (6) letters in support and thirty-six (36) letters in opposition to the Application.

Mr. Sharp advised the Board that his firm has a potential conflict of interest with this Application and that he will be available to swear in witnesses for this hearing but will not be able to answer questions from the Board. He directed the Board to direct those questions to the Planning & Zoning staff.

David Hutt, Esquire, presented the case on behalf of Immanuel Shelter and submitted exhibits for the Board to review.

Mr. Hutt stated that he represents Immanuel Shelter, who is the Applicant; that Faith United Methodist Church owns the Property; that the Property is located near the Five Points intersection and has been used historically as a church in Belltown; that homelessness is not a unique issue to Delaware; that homelessness is a nationwide issue; that homeless shelters are difficult subjects to discuss; that a national study is included in the exhibit booklet; that in, 2015-2016, Delaware had the third highest percentage increase in homelessness at 12%; that Immanuel Shelter was created as a non-profit organization to help homeless persons in the Rehoboth Beach – Lewes – Dewey Beach area; that the Applicant operates a Code Purple shelter in the area; that, when the Code Purple shelter is full, the Applicant assists finding homeless persons rooms in hotels; that the Belltown community is located near the site; that the surrounding areas are zoned AR-1, MR, and C-1 with mixed uses; that the Property is divided by Church Street; that the site is located in an “area of opportunity” as designated by the Delaware State Housing Authority; that Ace Hardware, Henlopen Landing, Lewes Crossing, Lowe’s, Home Depot, a park-and-ride facility, and the Villages of Five Points are located nearby; that a church has been located on the Property for many years; that the Applicant proposes to refurbish the existing church and add a dwelling that will house 18-24 people; that the Applicant has a contract to purchase the Property; that the proposed improvements would enhance the appearance of the Property; that a nearby property to the south recently had a manufactured home removed; that there are numerous commercial businesses nearby; that a power station is located nearby; that Stockley Materials has been approved to move its business near the site; that the residential communities are Henlopen Landing and Lewes Landing are located nearby; that the uses of the neighboring properties will not change if the homeless shelter is allowed to operate on the Property; that Henlopen Landing is built-out or nearly built-out; that Lewes Landing is still being built out; that he has reviewed the correspondence

submitted in opposition to the Application; and that the opposition presented concerns about the effect of the shelter on property values, traffic, and safety.

Glenn Piper was sworn in and testified that he has been an appraiser in Sussex County for 24 years; that he is familiar with the Property and surrounding properties; that the proposed use of the Property as a homeless shelter will not have a substantial adverse impact on the values of neighboring and adjacent properties; that he has lived in Lewes for 25 years and regularly passes by the Property; that there are many other negative influences already existing in the area which would make it difficult to determine that the homeless shelter will negatively impact area property values; that traffic is an issue in the area; that the neighborhood is blighted or semi-blighted; that, on the west side of Route 9 is largely zoned commercial with residential lots scattered throughout the area; that there is no statistical data to prove the proposed shelter would affect the property values of surrounding residential neighborhoods; that the proposed shelter will have no impact on the property values in Henlopen Landing; that there are other factors in the neighborhood which may affect property values such as traffic in the area or the Belltown community; that he has reviewed national studies regarding homeless shelters but the studies involved sites which were not comparable to the instant situation; and that he does not believe that the existence of the homeless shelter would have any impact on property values in the neighborhood.

Mr. Hutt stated that the Applicant submitted a Service Level Evaluation to the Delaware Department of Transportation (“DelDOT”); that DelDOT found that no impact study is required because the proposed use would not generate enough traffic to warrant a traffic impact study; that its location is ideal because of its close proximity to public transportation; that a DART bus stop is located nearby; that the proximity to public transportation is important because it is unlikely that the residents of the shelter will have their own means of transportation; that the site was approved for a brew-pub restaurant last year; that the traffic to be generated by a brew-pub restaurant would be greater than the traffic generated by the proposed shelter; that traffic associated with the shelter will be light; that the opposition presented concerns about the types of individuals being admitted to the shelter; and that the Applicant has detailed in-take procedures and house rules for the shelter.

Janet Idema was sworn in and testified that she is the President of the Board of Directors for Immanuel Shelter; that she has been in this position for 7 years; that she was previously a psychiatric nurse and served as the Director of Nursing at a psychiatric facility in New York; that the Code Purple shelter is available in the winter; that the individuals are allowed at the Code Purple shelter for one overnight stay; that the individuals are required to be sober in order to stay at the Code Purple shelter; that the Code Purple shelter has been in operation for the last seven years; that the Code Purple shelter refuses level 2 and level 3 sex offenders; that an emergency shelter is different from a Code Purple shelter and is for individuals who are homeless and seeking support; that an emergency shelter is designed to give homeless persons a chance to get back on their feet; that all residents of the homeless shelter will be screened through the Delaware State Police Troop 7; that a majority of the individuals requesting a stay in the proposed shelter will call into the State hotline or the shelter itself in order to start the in-take process; that the proposed shelter’s process is consistent with the existing shelter located in Georgetown; that the screening process takes about 24 hours; that the shelter’s intent is to give individuals time and safety from the trauma; that the individuals are required to perform chores, go to work, participate in group help, and participate in training programs; that there will be a 30/60/90 day stay policy which is

dependent on the individual's participation and progress; that a majority of the individuals seeking housing will call; that it is not typical for a shelter to have walk up traffic because of the screening process; that the Code Purple shelter allows for walk in traffic; that Sussex County has an existing homeless problem; that a large number of persons seen at the shelter are between the ages of 59 and 79 and have medical issues; that the shelter will not admit convicted felons; and that the Code Purple shelter has resulted in 23 individuals finding jobs and 17 individuals finding housing.

Mr. Hutt stated that the shelter is a residential use in an area of mixed use (commercial and residential); that the shelter will not have a negative impact on the appearance or value of the neighborhood; that the proposed shelter has a distinct vetting process; and that the shelter will not substantially affect adversely the uses of neighboring and adjacent properties.

Ms. Idema testified that the shelter will have parking for staff and volunteers; that volunteers typically visit the shelter in the evening to deliver meals; and that the church will consist of a chapel, meeting room, and kitchen.

James Martin, Tina Showalter, Jeron Duffy, Philip Franz, Cathy Hughes, Max Wolf, and Reverend Raymond Duffy were sworn in to testify in favor of the Application.

Ms. Showalter testified that she is part of Housing Alliance Delaware; that she previously spent 27 years serving as a prosecutor with the Department of Justice; that individuals in homeless shelters do not pose a substantial or significant public safety risk; that, more often than not, individuals in homeless shelters were the victims of crime; that the homeless shelter system is regulated by HUD procedures; that the homeless population in the Sussex County increased in the past year; that the homeless are already in our community; that, once an individual enters a homeless shelter, the individual starts to receive services and access to programs; that these programs assist the individuals in obtaining jobs and permanent housing; and that Delaware has the third highest homeless rate per capita in the country.

Mr. Martin testified that he operates a similar facility in Seaford which is adjacent to the Seaford Christian Academy; that there have been no incidents with residents of the shelter and the school; that his shelter does not vet its residents; that those homeless individuals are reaching out and are looking for aid to better their lives; that he estimates that there are over 600 homeless individuals in Sussex County; that Delaware has a lack of affordable housing; and that the individuals who will live in the home are talented.

Mr. Franz testified that he is an architect; that he is the president of Preservation Delaware whose goal is to preserve historic buildings; that the Belltown Church was built in 1942 which is the current structured on the Property; that he would like to preserve the church; that a shelter is an ideal way to preserve the historic building of Belltown Church; that the area is not a "beautiful" area, the refurbished church will add to the aesthetics; and that he supports the Application.

Mr. Wolf testified that he was president of the Lewes-Rehoboth Association of Churches; that homeless individuals come to the All Saints Church in Rehoboth for meals and the treatment of the individuals by the parishioners has been helpful; that the homeless shelter will improve the area; and that we treat our homeless animals better than homeless persons.

Mr. Duffy testified that he is the chairman of the Board of Trustees for Faith United Methodist Church; that Faith United Methodist Church owns another property and entered into an agreement with the Applicant for use of the Code Purple shelter but that property is only available to the Applicant for part of the year; and that Faith United Methodist Church owns the Property, which is vacant, and has entered into an agreement with the Applicant to use the Property for the homeless shelter year-round.

Ms. Hughes testified that she is a volunteer with the Applicant; that there are many homeless persons in the area; that she lives in the area; that Belltown has many blighted homes; that the shelter will be an improvement to the area; and that she supports the Application.

Rev. Duffy testified that he supports the Application; that there are many individuals who are homeless due to circumstances out of their control; and that the shelter will preserve the integrity of the history of the Belltown community.

Ken Bartholomew, Margaret St. Jean, Kim Bartholomew, Bo Ford, George Ellis, Carmine Castorina, Doug Elliot, Christina Lenz, Jeffrey Gross, George Ladny, Edward Sutton, Ron Dimaulo, Craig Wello, Tom Windell, Robert Steinback, and John Geesik were sworn in to testify in opposition to the Application.

Mr. Bartholomew testified that he lives in Henlopen Landing; that he does not think there is enough room on the Property for the house, church, and cars; that he disputes that the area is commercial; that his community is across the street from the Property; that 50-60% of homeless individuals are on drugs and steal; that the residents of the shelter can easily access his community; that the bus stop is located nearby; that a bus will not be able to safely access the Property; that he is concerned about the effect of the shelter on the value of his property; that crime will increase in the neighborhood; that the neighborhood has problems with traffic cutting through the area; that he does not support the Application; that he does not fear the residents walking the streets but others in opposition have that fear; and that schools are located within a mile of the site.

Ms. St. Jean testified that she lives in Henlopen Landing; that she has 14 grandchildren; that the young children will follow anyone; that she is concerned about the shelter; that she worked in a psychiatric hospital; and that she does not want the shelter in her neighborhood.

Ms. Bartholomew testified that she and her daughter are very scared about the shelter; that she does not want this facility near her home or its residents walking in the neighborhood; that she has no faith in the people who will live in the shelter; that the area is congested; and that she opposes the shelter.

Mr. Castorina testified that the area is not a good-looking area; that he moved to Delaware from New York and is concerned about the shelter; and that his nest egg is invested in his home.

Mr. Elliott testified that he is concerned about the safety related to the shelter; that the traffic near the Property is dangerous; that cars cut through the area on their way to the beach; and that we need more homeless shelters but the location is a poor location for the shelter.

Ms. Lenz testified that she recently moved to the area from northern New Jersey; that she lives in Henlopen Landing; that there are over 20 elementary school aged children who live nearby; that she does not believe that the shelter residents will wander through her neighborhood and trespass onto her property; that she does not think that the Henlopen Landing community has been appropriately considered by the Applicant; that the location for the shelter is not appropriate; that her community is not gated; that Salt Marsh Road is a private road for public use; that Salt Marsh Road cuts through to Plantation Road; and that the community has issues with law enforcement and DelDOT maintaining Salt Marsh Road and enforcing traffic laws in the area.

Mr. Ford testified that he lives in Henlopen Landing; that he is a retired state police officer and worked at the State Bureau of Identification; that the only way to properly vet an individual is through fingerprint identification; that he doubts that the Applicant is obtaining fingerprints from its prospective residents; and that he questions the vetting process.

Mr. Ladny testified that he questions whether the Applicant can even obtain legal authority to obtain the special use exception; that there are 2,278 homeless persons in Delaware but only 226 are located in Sussex County; that the Applicant did not show that it looked for other properties for the shelter; that there are clearly homeless persons in the area; that he does not believe the Property is the best location for a homeless shelter.

Mr. Gross testified that he is a disabled veteran; that studies on Realtor.com show that properties within a certain distance from a homeless shelter have a 12.7% decrease in property value; that there are no sidewalks on the Property; that the lack of sidewalks is a safety issue; that the nearby roads are very busy; that the shelter will tax emergency services; that success rate for the shelter is poor; that no homeless persons testified this evening; and that he questions the need for the shelter.

Mr. Sutton testified that he agrees with Mr. Gross; that there are no sidewalks or crosswalks leading to the bus stop; that the Property is not a suitable location for the shelter; and that there is no safe way to access the Property from population centers.

Mr. Dimaulo testified that he lives in Henlopen Landing; that junkies used to hang out at the church at all hours; and that the site could serve as a temptation for drug users.

Mr. Ellis testified that he lives in Henlopen Landing; that that the cut through has gained popularity and he suspects that DART busses will likely use the cut-through as well; that he does not believe that the Property is the best location for a homeless shelter; that Section 8 housing is located nearby; that Henlopen Landing has already suffered an adverse effect from nearby uses and that, to approve the shelter, would only add to the hardship experienced by Henlopen Landing.

Mr. Wello testified that he lives in Henlopen Landing; that there is Section 8 housing nearby; that traffic is a problem in the neighborhood; that he anticipates that the shelter will increase foot traffic in the area; that he believes the shelter will impact property values; that he has safety concerns; that homeless shelters attract other bad elements; that the shelter will destroy the character of the neighborhood; that the traffic at Five Points is a problem; and that he has no

problem with the church being on the Property.

Mr. Wendell testified that he is not concerned about the effect of the shelter on property values; that his main concern is with the security of the shelter; that the five (5) main causes of homelessness are 1) domestic violence, 2) drug / alcohol abuse, 3) job loss, 4) mental illness, and 5) family calamity; that many nearby homes are vacation homes and are vacant much of the year; that there are no sidewalks on the Property; and that he is concerned with persons visiting the shelter or those individuals who are not successfully discharged from the shelter.

Mr. Steinback testified that he lives in Henlopen Landing; that he is slightly concerned about his property values; that the location is a poor site for the shelter; that the safety of children is important; and that a decline of property values will impact the tax base.

Mr. Geesik testified that he agrees with the other members of the opposition; that he is concerned with the security of the shelter; that weird things happen in group homes; and that he questions the staffing of the shelter.

Mr. Hutt stated that the three (3) areas of concern that were stated in the beginning of his presentation were repeated throughout the opposition's testimony; that, while the opposition stated that they believed their property values would be affected by the shelter, the only testimony presented by a Delaware-certified appraiser evidenced that the shelter will not have a negative impact on nearby property values, including the property values of Henlopen Landing; that the Applicant's goal is to house 18-24 individuals; that the residents will be vetted through fingerprint identification; that the shelter will not be taxpayer-funded; that the bus stop locations were chosen by DelDOT and DART and it was anticipated that individuals would walk to the bus stop; that there is a bus stop in Belltown on the corner of Stingey Lane and Route 9; that there are no sidewalks along Route 9 but there are numerous bus stops along Route 9 and no sidewalks; that the shelter will not substantially affect adversely the uses of neighboring and adjacent properties; and that a similar shelter in Seaford is located adjacent to a school and it has not had an adverse effect on the school.

The Board found that thirty (30) parties appeared in support of the Application.

The Board found that thirty (30) parties appeared in opposition to the Application.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the special use exception be **tabled until June 5, 2017**. Motion carried 5 – 0.

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

Case No. 11963 – Edward C. Jackson & Ruth G. Jackson - seek a variance from the front yard setback requirement (Section 115-34 of the Sussex County Zoning Code). The property is located on the north side of Beach Avenue approximately 644 feet east of Coastal Highway (Route 1). 911 Address: 17 Beach Avenue, Rehoboth Beach. Zoning District: MR. Tax Map No.: 3-34-23.06-72.00.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the Application **be rescheduled be and heard at the Board's meeting on June 5, 2017**. Motion carried 3 – 2.

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

Case No. 11964 – Kris S. Meck - seeks a variance from the rear yard setback requirement (Section 115-25 of the Sussex County Zoning Code). The property is located on the south side of Linden Way approximately 404 feet south of Woodland Circle, Angola By the Bay. 911 Address: 23046 Linden Way, Lewes. Zoning District: AR-1. Tax Map No.: 2-34-11.20-355.00.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the Application **be rescheduled be and heard at the Board's meeting on June 5, 2017**. Motion carried 3 – 2.

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

Case No. 11965 – James D. Sherlock & Jennifer A. Sherlock - seek a variance from the rear yard setback requirement (Section 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the northeast side of Linden Drive approximately 568 feet east of Sycamore Drive, Angola By the Bay. 911 Address: 22923 Linden Drive, Lewes. Zoning District: AR-1. Tax Map No.: 2-34-11.16-50.00.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the Application **be rescheduled be and heard at the Board's meeting on June 5, 2017**. Motion carried 3 – 2.

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

Case No. 11966 –Estate of Dorothy J. Wallin - seeks variances from the rear yard setback requirement (Section 115-25, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located on the south side of Elmwood Avenue East approximately 1,177 feet south of Woodland Circle, Angola By the Bay. 911 Address: 23805 Elmwood Avenue East, Lewes. Zoning District: AR-1. Tax Map No.: 2-34-18.09-2.00.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the Application **be rescheduled be and heard at the Board's meeting on June 5, 2017**. Motion carried 3 – 2.

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

Case No. 11967 – Eugene Greco & Joanne Greco - seek a variance from the front yard setback requirement on a through lot (Section 115-34, 115-182 and 115-185 of the Sussex County Zoning Code). The property is located on the west side of Ridge Court approximately 164 feet north of Oakcrest Drive. 911 Address: 30807 Ridge Court, Lewes. Zoning District: MR. Tax Map No.: 2-34-6.00-554.00.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the Application **be rescheduled be and heard at the Board’s meeting on June 5, 2017**. Motion carried 3 – 2.

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

Case No. 11968 – Robert Buckler - seeks a variance from the front yard setback requirement (Section 115-25 of the Sussex County Zoning Code). The property is located on the east side of Derrickson Drive approximately 609 feet +/- southeast of Old Mill Bridge Road (SCR 381). 911 Address: 36393 Derrickson Drive, Selbyville. Zoning District: AR-1. Tax Map No.: 5-33-12.00-51.00.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the Application **be rescheduled be and heard at the Board’s meeting on June 5, 2017**. Motion carried 3 – 2.

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

Meeting Adjourned 11:36 p.m.