

## MINUTES OF MAY 18, 2015

The regular meeting of the Sussex County Board of Adjustment was held on Monday, May 18, 2015, at 7:00 p.m. in the County Council Chambers, Administrative Office Building, 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. Brent Workman, and Mr. Norman Rickard, with James Sharp – Assistant County Attorney, and staff members Lawrence Lank – Director of Planning and Zoning, Ms. Janelle Cornwell – Planning and Zoning Manager, and Mrs. Jennifer Norwood – Recording Secretary.

The Pledge of Allegiance was led by Mr. Callaway.

Motion by Mr. Mills, seconded by Mr. Rickard, and carried unanimously to approve the Agenda as circulated. Motion carried 5 – 0.

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

### PUBLIC HEARINGS

**Case No. 11571 – William Moore and Julie Moore** – seek a variance from the front yard setback requirements for a through lot (Section 115-34B and Section 115-182A of the Sussex County Zoning Ordinance). The property is located east of Road 348 (Irons Lane) and being northeast of Prestwick Court, approximately 180 feet south of Turnberry Drive and being more specifically Lot 84 within Fairway Villas Development. 911 Address: None Available. Zoning District: MR. Tax Map: 1-34-3.00-766.00.

Mr. Lank presented the case and stated that the Office of Planning and Zoning received one (1) letter in support of the Application and had not received any correspondence in opposition to the Application.

William Moore and Julie Moore were sworn in to testify about the Application. William Scott, Esquire, presented the case to the Board on behalf of the Applicants.

Mr. Scott stated that the Applicants are requesting a variance of fifteen (15) feet from the thirty (30) feet front yard setback requirement for a through lot for a proposed dwelling; that the Property is a through lot located in Fairway Village; that Applicants purchased one (1) of the two (2) lots that has frontage on both Turnberry Drive and Prestwick Court; that the cul-de-sac created the through lot; that the Property is not a typical through lot because Prestwick Court is a dead end street and not a thoroughfare; that Prestwick Court is used by four parcels which only have road access to Prestwick Court; that the Homeowners Association and neighbors on both sides of the Property support the Application; that the Homeowners Association has mandated that the Applicants must access their lot from Turnberry Drive; that Prestwick Court would effectively be to the rear yard of the Property; that the proposed dwelling has been designed with wider doorways

and hallways for the Applicant; that William Moore has Parkinson's Disease and must have wheelchair accessibility throughout the dwelling; that Mr. Moore has a motorized chair; that the proposed attached garage will allow for access for their van with a ramp for his scooter; that Mr. Moore needs extra space to maneuver his chair and scooter around the house; that Mr. Moore has been encouraged to exercise and engage in activity such as playing drums to slow the progress of his disease; that there will also be a room for the Applicant's exercise and physical therapy equipment; that no side setback variance is being requested; that the existing cul-de-sac and through lot setback requirements make this property unique; that the Property is one of only two properties in the neighborhood with this double frontage; that this is an atypical through lot; that the Applicants will suffer an unnecessary hardship and exceptional practical difficulty if the variance is not approved because they will not be able to construct a house with rooms of a size able to accommodate Mr. Moore's needs; that the Property cannot otherwise be developed in strict conformity with the Sussex County Zoning Code and accommodate the Applicant's needs; that the variance is necessary to enable reasonable use of the Property; that the Applicants did not create the shape of the lot or the double frontage; that the exceptional practical difficulty was not created by the Applicants; that the variance will not alter the essential character of the neighborhood; that the use will not adversely impair the uses of the neighboring and adjacent properties; that the use is not detrimental to the public welfare; that the variance requested is the minimum variance to afford relief; that the home is designed to allow for first floor living and that the second floor bedrooms will be used for guests.

Mr. Moore, under oath, confirmed the statements made by Mr. Scott.

The Board found that five (5) 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. 11571 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The Property is unique because it is located on a cul-de-sac and is a through lot;
2. The variance is necessary to enable reasonable use of the Property;
3. The exceptional practical difficulty was not created by the Applicants;
4. The variance will not alter the essential character of the neighborhood; and
5. The variance sought is the minimum variance necessary to afford relief.

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

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

**Case No. 11572 – Douglas McClarren and Susan McClarren** – seek a variance from the separation requirement between units in a mobile home park and a variance from the side yard setback requirement (Section 115-42B of the Sussex County Zoning Ordinance). The property is located north of Road 358 (Sandy Cove Road) and being north of Quail Road and being more specifically Lot 75 within Bayshore Mobile Home Park. 911 Address None Available. Zoning District GR. Tax Map: 1-34-9.00-94.01- Unit 8726.

Mr. Lank presented the case and stated that the Office of Planning and Zoning received one (1) letter in support of the Application and had not received any correspondence in opposition to the Application.

Susan McClarren and Brett Cox were sworn in and testified requesting a variance of 2.3 feet from the twenty (20) feet separation requirement between units in a mobile home park and a variance of 0.4 feet from the five (5) feet side yard setback requirement for an existing manufactured home.

Mr. Cox testified that he is an owner of Bayshore Mobile Home Park; that the Applicants are tenants on the Property; that the Applicants intend to construct a deck that will measure eight (8) feet by thirty (30) feet; that the manufactured home on adjacent Lot 76 is only two (2) feet from the lot line, which creates the need for the variance for the proposed deck; that the manufactured home on Lot 76 was placed prior to the zoning requirements; that the Applicants purchased the manufactured home with the manufactured home already in place; that the Applicants were not aware of any variances needed when they purchased the unit; that there are numerous decks throughout the park; that the proposed deck will not alter the character of the neighborhood; that there are 42 homes on Quail Road and 34 of those homes have similar decks or enclosures; that the neighbor's unit makes the situation unique; that the difficulty was not created by the Applicants; that the variances are the minimum variances to afford relief; and that the manufactured home has been on the Property for many years.

Mr. Lank advised the Board that Bayshore Mobile Home Park was created prior to the enactment of the Sussex County Zoning Code.

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

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

Mr. Hudson stated that he would move that the Board recommend approval of Variance Application No. 11572 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The size of the lot, the age of the mobile home park and the placement of the mobile home on the neighboring lot create a unique situation;

2. The property cannot otherwise be developed in strict conformity with the Sussex County Zoning Code;
3. The exceptional practical difficulty was not created by the Applicants;
4. The variances will not alter the essential character of the neighborhood as there are other similar porches and decks in the neighborhood; and
5. The variances sought are the minimum variances necessary to afford relief.

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

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

**Case No. 11573 - #3 Bayberry Properties, LLC / Charles F. Zeiler** – seek variances from the front yard and side yard setback requirements (Section 115-34B and Section 115-183C of the Sussex County Zoning Ordinance). The property is located south of Route 54 (Lighthouse Road) and being west of Bayberry Lane, approximately 1,100 feet south of Cedar Road and being more specifically Lot 55 and part of Lot 56 Block H within Keen-wik Subdivision. 911 Address: None Available. Zoning District: MR. Tax Map: 5-33-20.13-47.00.

Mr. Lank presented the case and stated that the Office of Planning and Zoning had not received any correspondence in support of the Application. Mr. Lank read one (1) letter in opposition to the Application into the record.

Sandra Zeiler and Charles Zeiler were sworn in and testified requesting a variance of 4.7 feet from the ten (10) feet side yard setback requirement for a proposed dwelling, a variance of 4.7 feet from the ten (10) feet side yard setback requirement for proposed steps and landing, and a variance of 4.7 feet from the thirty (30) feet front yard setback requirement for a proposed dwelling.

Mrs. Zeiler testified that the Property is located in Keen-wik by the Bay; that the subdivision was created in the 1960s; that most lots in the community measure 50 feet by 100 feet; that their lot measures 75 feet by 100 feet; that although their lot is slightly larger than others it is still a shallow and narrow lot; that a portion of the Property is in the canal; that the Property could otherwise be developed with a smaller home but they do not want to build a smaller home; that the character of the lot has not created an exceptional practical difficulty; that the variances will not alter the essential character of the neighborhood; that smaller homes in the neighborhood have been replaced with larger homes; that the proposed location of the dwelling meets the setback requirements of the Homeowners Association; that the Homeowners Association has approved the proposed dwelling; that the variances requested are the minimum variances to afford relief; that the variances are necessary to allow them to build a dwelling large enough to accommodate their family; that the variances will allow for green space on the side and to the rear of the Property; and

that the proposed dwelling is a two (2) story structure with a crow's nest. Mrs. Zeiler submitted an exhibit to the Board to review.

Mr. Zeiler testified that without the variances they will not build the dwelling.

Mrs. Zeiler testified that the dwelling was designed by an architect; that the architect was aware of the setback requirements; that they believe the request is reasonable; that she could have told the architect to design within the Sussex County requirements; that she is surprised at the opposition; and that she could move the house to the side and rear but that would lessen the recreational space.

Mr. Lank stated for the record that approximately twenty-six (26) variances have been granted in the area.

The Board found that three (3) parties appeared in support of the Application.

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

Motion by Mr. Mills, seconded by Mr. Rickard, and carried unanimously to take the case under advisement. Motion carried 5 – 0.

At the conclusion of the public hearings, the Chairman referred back to this case. Mr. Mills stated that he would move that the Board recommend denial of Variance Application No. 11573 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The Property is not unique in shape or circumstance;
2. The Property can be otherwise developed in strict conformity with the Sussex County Zoning Code;
3. The variances are not necessary to enable reasonable use of the Property;
4. The exceptional practical difficulty has been created by the Applicant.

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

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

**Case No. 11574 – Kenneth H. Bennett Jr.** – seeks a special use exception to retain a manufactured home type structure in an AR-1 Zoning (Section 115-23C (11) of the Sussex County Ordinance). The property is located west of Waycross Road (Road 505A) and approximately 0.7

mile south of Ralph Road (Road 505). 911 Address: 36048 Waycross Road, Laurel. Zoning District AR-1. Tax Map 5-32-4.00-60.00.

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

Kenneth Bennett and Lee Ann Bennett were sworn in and testified requesting a special use exception to retain a manufactured home type structure in an AR-1 Zoning district.

Mrs. Bennett testified that they purchased the Property in February 2006; that Way Cross Road is a dead-end road; that when they purchased the lot there was an older dwelling, a single-wide manufactured home, and junk on the Property; that they cleaned the Property and placed a double-wide manufactured home on the Property in July 2006; that they lost possession of the double-wide manufactured home in 2010; that her daughter gave them a 1996 singlewide unit measuring 14 feet by 70 feet to place on the Property; that they hired a company to set up the unit on the Property; that they assumed the company had obtained all the proper permits; that she has had multiple back surgeries and has to have another one; that without an approval from the Board, they will be homeless; that the Property is well-kept; that there are other manufactured homes in the area; that the neighbors are in support of the Application; that they submitted a petition with twenty (20) signatures in support of the Application; and that the use will not substantially adversely affect the uses of neighboring and adjacent properties. Mr. and Mrs. Bennett submitted pictures for the Board to review.

Mr. Bennett testified that the Property is 1.3 acres and the home is skirted; and that they would like to replace the singlewide with a doublewide mobile home as soon as possible.

The Board found that five (5) 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 Exception Application No. 11574 for the requested special use exception based on the record made at the public hearing because the use does not substantially adversely affect the uses of neighboring and adjacent properties.

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

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

**Case No. 11575 – Linda Bakomenko & Ray Bakomenko** – seek variances from the side yard and front yard setback requirements (Section 115-42B and Section 185F of the Sussex County Ordinance). The property is located west of Cedar Neck Road and being south of Piney Point Road Extended approximately 280 feet west of Piney Lane and being Lot 10 of the Norman N. Justice Subdivision. 911 Address: 38225 Piney Point Road, Ocean View. Zoning District GR. Tax Map: 1-34-9.00-231.00.

Mr. Lank presented the case and stated that the Office of Planning and Zoning received two (2) letters in support of the Application and had not received any correspondence in opposition to the Application.

Jack Melvin, Linda Bakomenko, and Ray Bakomenko were sworn in and testified requesting a variance of 1.1 feet from the five (5) feet side yard setback requirement for an existing deck and a variance of 2.7 feet from the thirty (30) feet front yard setback requirement for an existing detached garage.

Mr. Melvin testified that the Applicants inherited the Property three (3) years ago from Mrs. Bakomenko's father; that the Applicants are trying to sell the Property and a survey completed for settlement showed the encroachments; that Mrs. Bakomenko's father purchased the Property and placed a single-wide manufactured home in the 1970s; that Mrs. Bakomenko's father built a dwelling on the Property in the 1970s; that the existing dwelling meets setback requirements; that the existing steps on the deck encroach into the side yard setback requirement; that the adjacent property owner does not object to the requests; that the detached garage was also constructed in the 1970s; that the Property is very narrow which makes the Property unique; that the variances are necessary enable reasonable use of the Property; that the Applicants will not be able to sell the Property without the variances; that the difficulty was not created by the Applicants; that the variances will not alter the character of the neighborhood since the improvements have been on the Property for over thirty (30) years; that other properties in the neighborhood have similar structures located thereon; that the dwelling complies with all setback requirements; that, according to the Assessment records, the prior owner obtained the necessary permits to construct the structures; and that the permits were issued in 1977 and 1979.

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

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

Mr. Mills stated that he would move that the Board recommend approval of Variance Application No. 11575 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The Applicants inherited the Property which created a unique situation and the narrowness of the Property makes it unique;

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

Motion by Mr. Mills, seconded by Mr. Rickard, and carried unanimously that the variances be **granted for the reasons stated**. 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. 11576 – Richard A. Gray, Jr.** – seeks variances from the rear yard and side yard setback requirements (Section 115-25C of the Sussex County Ordinance). The property is located south of Route 54 (Lighthouse Road) and being southwest of Cleveland Avenue, approximately 420 feet south of Lincoln Drive and more specifically Lot 42 Block 4 within Cape Windsor Subdivision. 911 Address: 38774 Cleveland Avenue Ext., Selbyville. Zoning District AR-1. Tax Map: 5-33-20.14-51.00.

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

Richard Gray, Jr. was sworn in and testified requesting a variance of five (5) feet from the twenty (20) feet rear yard setback requirement for a proposed dwelling and a variance of two (2) feet from the ten (10) feet side yard setback requirement for a proposed dwelling; that the proposed dwelling will measure 32 feet by 52 feet; that the Homeowners Association allows structures to be fifteen (15) feet from the bulkhead; that his elderly mother will be living with him; that she recently became disabled and is using a wheelchair; that the rear yard variance will allow room for parking on the front of the Property; that the variances are needed in order to be able to construct the house; that the lot is undersized; that most of the other properties in the neighborhood are located 15 feet from the bulkhead; that the variances will not alter the character of the neighborhood; that the variances requested are the minimum variances to afford relief; that he did not create the size of the lot; that the additional space in front of the dwelling will provide better access for his mother into the home; that the house is larger because additional space is needed within the home for her to move around; and that there are no flooding issues on the property.

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. 11576 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The undersized lot makes the Property unique;
2. The variances are necessary to enable 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; and
5. The variances sought are the minimum variances necessary to afford relief.

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

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

**Case No. 11577 – John L. Harrison** – seeks variances from the side yard and front yard setback requirements (Section 115-34B of the Sussex County Ordinance). The Property is located south of Route 54 (Lighthouse Road) and being northwest of Maple Lane, approximately 300 feet south of Cedar Road and being more specifically Lot 55 Subdivision No. 5 within Kee-wik Subdivision. 911 Address: 38290 Maple Lane, Selbyville. Zoning District MR. Tax Map: 5-33-20.09-26.00.

Mr. Lank presented the case and stated that the Office of Planning and Zoning received one (1) letter in support of the Application and one (1) letter in opposition to the Application. The opposition did not oppose the front yard variance and said it would not object to a side yard variance of 5 feet.

John Harrison was sworn in and testified requesting a variance of 6.8 feet from the ten (10) feet side yard setback requirement for an attached shed and a variance of 0.3 feet from the thirty (30) feet front yard setback requirement for an existing dwelling; that he purchased the Property in November 2013; that the dwelling was built in 1985; that he obtained a building permit to build a detached shed; that the restrictive covenants allow for a side yard setback of 5 feet; that he measured from his neighbor's fence and intended to place the shed 5 feet from the property line; that he was not aware the fence was not on the property line; that during construction he decided to attach the shed to the existing dwelling; that a recent survey showed the encroachment; that the attached shed is currently partially constructed; that he stopped building once he realized the attached shed was encroaching; that he has removed a portion of the siding from the existing dwelling to attach the shed; that he would like to still attach the shed to the dwelling but he will deconstruct 1.8 feet of the shed to comply with the five (5) feet setback required by the Homeowners Association; that the narrow lot makes the Property unique; that there is no other outside storage on the Property; that there is no other location to place a shed on the Property; that the variances will not alter the essential character of the neighborhood; that the variances will

enable reasonable use of the Property; that the shed is substantially built and will appear aesthetically pleasing; that he spoke with his neighbor and she does not object to the shed; that there is no access to the shed from inside the dwelling; that there are other similar sheds in the neighborhood. He submitted pictures to the Board for review.

Edward Brady was sworn in and testified about the Application; that he represents the Homeowners Association; that the Homeowners Association has no objection to the front yard variance request for the existing dwelling; that they oppose the 6.8 feet variance request for the attached shed; that they would agree to a five (5) feet variance request for the attached shed; that since the siding on the dwelling has been removed and would create a hardship to detach the shed at this point; and that the five (5) feet variance request is reasonable.

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

The Board found that one (1) party appeared 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.

At the conclusion of the public hearing, the Chairman referred back to this case. Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11577 for the variances of 0.3 from the front yard setback and 5 feet from the side yard setback based on the record made at the public hearing and for the following reasons:

1. The fifty (50) feet wide property is unique in size;
2. The variances are necessary to enable reasonable use of the Property;
3. The variances will not alter the essential character of the neighborhood; and
4. The variances sought are the minimum variances necessary to afford relief.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the variances be **granted for a variance of 0.3 feet from the front yard setback requirement and a variance of five (5) feet from the side yard setback requirement and 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. 11578 – Harry Cunningham** – seeks variances from the rear yard setback requirement (Section 115-25C of the Sussex County Ordinance). The property is located west of Wil-King Road (Road 288) and being northwest corner of South Acorn Way, approximately 150 feet south of White Tail Way and being more specifically Lot 110 Oakwood Village Subdivision. 911 Address: 22410 Acorn Way, Lewes. Zoning District AR-1. Tax Map: 2-34-6.00-74.00.

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

Harry Cunningham and Gail Cunningham were sworn in and testified requesting a variance of three (3) feet from the five (5) feet rear yard setback requirement for a proposed open deck and a variance of 16.25 feet from the twenty (20) feet rear yard setback requirement for a proposed screened-in porch.

Mr. Cunningham testified that they purchased the Property December 2014 and moved in January 2015; that they realized after moving in they wanted a screened-in porch; that the dwelling was built to the rear of the Property; that the rear yard property line is angled and adjacent to common area; that the front property line is curved due to the street; that the building envelope on the Property was very small; that the Property is unique in shape and size; that the existing propane tank and HVAC system prevent the screened-in porch and deck from being built elsewhere on the Property; that the difficulty was not created by the Applicants; that the variances will not alter the character of the neighborhood; that 15-20% of homes in the neighborhood have decks and / or porches; and that the variances are the minimum variances necessary to afford relief.

Mrs. Cunningham testified that when they purchased the Property there were no roads which would allow them to see where the house would be located on the lot; that the house is located to the rear of the Property; and that the Property abuts to common area in the rear.

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

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11578 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The size and shape of the Property make it unique;
2. The variances are necessary to enable reasonable use of the Property;
3. The exceptional practical 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. Rickard, seconded by Mr. Workman, and carried unanimously that the variances be **granted for the reasons stated**. Motion carried 5 – 0.

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

**Case No. 11579 – Route Nine Enterprises, LLC** – seeks a special use exception to place an off-premise sign (Section 115-80C of the Sussex County Ordinance). The Property is located at the

northeast intersection of Shingle Point Road (Road 249) and Lewes Georgetown Highway (Route 9). 911 Address: None Available. Zoning District C-1. Tax Map 1-35-16.00-8.00, 9.00, and 9.01.

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

Mark Davidson and Robert Davidson were sworn in and testified requesting a special use exception to place an off-premise sign.

Mark Davidson testified that the Property is zoned commercial; that the Property is located at the intersection of Shingle Point Road and Route 9 and consists of 3 parcels; that the Applicant received preliminary approval from the Planning and Zoning Commission on April 23, 2015, to place two (2) commercial buildings constructed on the site; that the billboard will be located near the intersection; that the proposed billboard will meet all required setback and separation requirements; that the proposed sign will measure two-hundred (200) square-feet per side and will be twenty-four (24) feet tall; that the proposed entrance for the Property will be on Shingle Point Road; that the existing buildings on the Property will be demolished; that the use will not substantially adversely affect the uses of the adjacent and neighboring properties; and that the proposed billboard will not impair traffic or visibility at the intersection. Mr. Davidson submitted exhibits for the Board to review.

Robert Davidson testified that the abandoned church previously located on the Property has been removed and it has improved visibility; that the church will not be replaced; and that the church is 1.4 feet from the property line.

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 Exception Application No. 11579 for the requested off-premise sign based on the record made at the public hearing because it does not substantially adversely affect the uses of the neighboring and adjacent properties.

Motion by Mr. Rickard, seconded by Mr. Mills, and carried unanimously that the special use exception be **granted for the reasons stated**. Motion carried 5 – 0.

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

**Meeting Adjourned 9:45 p.m.**