

MINUTES OF MAY 2, 2022

The regular meeting of the Sussex County Board of Adjustment was held on Monday, May 2, 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, 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, and Ms. Amy Hollis – Recording Secretary.

The Pledge of Allegiance was led by Mr. Williamson.

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

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

Motion by Mr. Chorman, seconded by Dr. Carson and carried unanimously to approve the Minutes for the March 7, 2022, meeting. Motion carried 5 – 0.

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

Motion by Mr. Warfel, seconded by Dr. Carson and carried unanimously to approve the Findings of Facts for the March 7, 2022, meeting. Motion carried 5 – 0.

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

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

OLD BUSINESS

Case No. 12681 – Sean Merlonghi seeks a variance from the side yard setback requirement for a proposed pole building / garage (Sections 115-25, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the northwest side of New Lane within the New Road Estates Subdivision. 911 Address: 5 New Lane, Lewes. Zoning District: AR-1. Tax Parcel: 335-8.00-591.00

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received one (1) letter in support of, zero in opposition to the Application and zero mail returns. The

Applicant is requesting a variance of 10 ft. from the 15 ft. side yard setback requirement on the northeast side for a proposed detached garage.

Mr. Sean Merlonghi was sworn in to testify about his application

Mr. Merlonghi testified that he is seeking a 10 ft. variance from the 15 ft. setback for a proposed pole garage; that the property is unique due to the location of the main dwelling; that his driveway would not be fundamentally functional to place the garage anywhere else; that the property is a through lot giving it a 45 ft. setback on the rear; that the septic and drain field are accessed off the driveway; that the pole building company has already made the proposed structure as narrow as possible but still be able to fit two (2) cars; that, without the variance, the proposed pole garage would be too close to the home; that they have two (2) large trees in the rear of the property; that it does not create a practical difficulty; that distance from the property line would still allow for proper maintenance; that this is the minimum variance; that his neighbor closest to the structure submitted his approval of the proposed structure; that he has two (2) front yards due to the road in front of and behind his home; that the septic and drain field are in the center of his back yard approximately 15 feet from the rear deck; that the building with the setback as is would be too close to the home and he would have to go around the pole building to reach the septic system; that the roof of the pole building will be pitched and the siding will not be metal but look like his home; that it will have a full gutter system and drain towards his home; that he believes he will be able to maintain the structure while remaining on his property; that the existing home has a two (2) car garage; that the house consists of approximately 1700 square feet; that they plan on converting the garage into living space which creates the need for the pole barn; that they have priced out having an addition placed and it is 60% more expensive than the pole barn; that the existing garage is 35 ft. off the property line; that he wants approximately 8-10 feet between the garage and the house; that moving the proposed building to the left to be in compliance would put him closer to the septic than allowed as well as impede the ability to access the system for maintenance; that he would not be able to move the structure back and to the left; that the width of the garage is so he can fit his travel trailer as well as cars and additional storage; that the garage is longer to accommodate his travel trailer; that there is 50-75 ft. between his septic field and home; that putting an addition on the rear of the home would be long and narrow, making it not functionable and costing 60% more; that 50% of the proposed garage will be used to house their recreational vehicle; that the existing attached garage is the ideal family room type for them; that he did not build the home, but it was built in 1993 and an addition added in 2008; that he purchased the property in 2015; that they have an HOA, of which he is the president; that he has received approval from the HOA, though it is not needed; that there will be a door facing their home and one (1) window facing the neighbors; that there is a 20 ft. buffer behind his home between New Road and his property line, in addition there is more space due to the circle placed on New Road; that, when he called for his setbacks, he was told there is a 45 ft. setback on his rear property line; that he is under the impression that he cannot build anything over 600 sf. within 45 ft. of his rear property line; and that he would remove the two (2) sheds in his rear yard if the garage is approved.

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

Mr. Williamson closed the public hearing.

Mr. Warfel moved to deny Case No. 12681 for the requested variance, pending final written decision, because the variance is not necessary to enable the reasonable use of the property.

Motion by Mr. Warfel, seconded by Mr. Hastings, carried that the **variance be denied for the reasons stated.** Motion carried 4 – 1.

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

PUBLIC HEARINGS

Case No. 12684 – Adan Casas seeks variances from the side yard setback, rear yard setback, and stable structure for personal keeping of animals setback requirements for existing structures (Sections 115-20, 115-25, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located on the west side of Seaford Road approximately 0.74 miles south of Bethel Road / Camp Road. 911 Address: 30016 Seaford Road, Laurel. Zoning District: AR-1. Tax Parcel 232-12.00-32.00

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application and one (1) mail return. The Applicant is requesting variances of 50 ft. from the 50 ft. rear yard setback requirement, 31 ft. and 24 ft. from the 50 ft. side yard setback requirement on the north side, and 5 ft. and 15 ft. from the 50 ft. side yard setback requirement on the south side for an existing stable; 5.2 ft. and 4.5 ft. from the 15 ft. side yard setback requirement on the south side for an existing detached garage; and 4.2 ft. and 3.9 ft. from the 15 ft. side yard setback requirement on the south side for an existing addition, porch, and steps.

Mr. Guillermo Montalvo Merino, an employee of Sussex County, served as an interpreter for Mr. Adan Casas.

Mr. Casas was sworn in to give testimony about their application.

Ms. Norwood explained what is being requested due to the placement of the structures on the property and she identified the variances needed for each structure; that the structures at the rear of the property appear to be over the rear property line; that there was a complaint of building without a permit which led to the request of the variances; and that there are active building permits for the structures.

Mr. Adan Casas testified that he was approached to remove a structure on his property as it was not built to code and that is looking to remedy this violation; that he has two (2) horses on his property; that the structure is existing and built into the ground and he is asking to keep it; that the structure was there when he purchased the property; that the structure in the rear yard was built by him about 7-8 years ago and he has had no complaints; that his horses are housed in this structure; that the structure backs up to the railroad tracks; that the structure is in need of no repairs, has a metal roof and does not need to be power washed frequently; that he has a septic system on his property where “353” is noted on the aerial photograph; that the structure in the rear corner of the property is a roof used for shade for his horses, which he built on the property and has had no

complaints; that he is willing to remove that structure; that the shed in the middle of the property was not built by him; that it is used for storage of work materials and tools; that he has received no complaints about that structure; that he did not build the house but he built the addition about three (3) years ago; that he did not obtain permits; that there have been no complaints about the addition; that he built the addition himself with a friend; that an inspector came out and was cited for repairs which have been completed; that the lot is long and narrow but he does not face difficulties; that he will try to bring them into compliance; that he would be able to move the shed but the barn is on a foundation and would not be as easy to move; that he would be able to possibly move the barn in by 2 ft.; that there is an active train track behind his property; that he has not spoken with anyone or fielded any complaints from the train company; that he also built the detached garage; that he could possibly bring the barn in by 2 ft. but a greater reduction would be too small for the horses; that he would be open to submitting a plan of action to gain compliance, that he would need to consult with the planner before knowing how long it would take; and that it would be a financial burden but he would be able to demolish the structures if he had too.

Mr. Sharp noted that the setback requirements for the stable are 50 feet from property lines and 100 feet from a dwelling on neighboring lands; and that the Applicant cannot bring the stable into compliance without a variance.

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

Mr. Williamson closed the public hearing.

Mr. Warfel moved to leave the record open for the limited purpose of allowing the Applicant to submit a survey showing the proposed relocation of the structures in the rear of the property and to allow for public comment as to the proposed relocation only and subject to the following conditions:

1. The proposal be submitted for review to the Board by June 20, 2022.
2. The application be placed on the agenda for the Board's meeting on June 27, 2022, as an Old Business item.

Motion by Mr. Warfel, seconded by Mr. Chorman, carried unanimously that the **record be left open for the limited purpose of the proposal submission and public comment related to the submission.** Motion carried 5 – 0.

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

RECESS - 7:06 – 7:12

Case No. 12685 – Christopher Reinholz seeks variances from the side yard setback requirement for proposed structures (Sections 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the south west side of White Oak Road within the Rehoboth Beach Yacht and Country Club Subdivision. 911 Address: 30 White Oak Road, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-19.00-73.00

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 zero mail returns. The Applicant is requesting variances of 2.5 ft. from the 15 ft. side yard setback requirement on the north side for a proposed porch and 8 ft. from the 15 ft. side yard setback requirement for a proposed deck.

Mr. Trent Collins was sworn in to give testimony about this application.

Mr. Collins testified that they are applying for the variance due to the unique shape of the property and placement of the home by the original homeowner; that the property is a corner lot with a 15 ft. side yard and rear yard setback and a 25 ft. front yard setback; that the 25 ft. front yard setback impacts both the side and rear also; that the structure was built close to the side setback to accommodate the width of the home thereby leaving 13.5 ft. of buildable area to the rear of the home; that the location of the home on the lot and the existing chimney and crawl space access further limit the building area within the setbacks; that this was created by the former homeowner; that they are asking for 2.5 ft. for the porch and 8 ft. for the deck within the 15 ft. setback; that the improvements will enhance the space with an aesthetically pleasing porch in lieu of an unused concrete slab; that he submitted a letter from the neighbor stating approval of the project; that the homeowner currently uses their driveway as outdoor space; that the chimney poses challenges as well; that the deck will be extended 2 ft. beyond the garage but will comply with the front yard setback; that the outdoor shower is adjacent to the garage and the deck provides access to the shower; that the steps can comply with the setback requirements and no variance is needed for the steps; that the need is due to the footers having to go outside of the existing concrete pad, which is not being removed due to cost to the homeowner; that the footers will be right along the edge of the existing concrete pad; that the porch and deck will cantilever over the end girder; that there will be an underdeck gutter system that will channel into the existing gutter system on the house; that there is a small swale between the two (2) properties; that the screened porch will be 15 ft. deep; that, if the concrete pad were not existing, the structure would only be a few inches more into compliance due to the existing chimney and access to the crawl space; that the concrete pad is in a bad location for patio space and the homeowner does not enjoy it due to the way the sun affects the area and their views are impeded; that their proposed porch and deck will be 3 ft. farther out than the existing concrete pad; that there are bug issues in the back yard due to being adjacent to a bay; that the patio is unusable now; and that there is HOA approval needed but it should not be an issue.

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

Mr. Williamson closed the public hearing.

Dr. Carson moved to approve Case No. 12685 for the requested variances, pending final written decision, with condition that evidence of HOA approval be provided to the Office of Planning & Zoning, for the following reasons:

1. The property has unique conditions due to the exceptionally small buildable area;
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 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
4. The variances represent the minimum variances necessary to afford relief.

Motion by Dr. Carson, seconded by Mr. Warfel, carried unanimously that the **variances be granted with conditions for the reasons stated**. Motion carried 5 – 0.

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

Case No. 12686 – Kathy Harris seeks a variance from the side yard setback requirement for 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. She noted that the Applicant revised the site plan so no side yard variance was needed but a front yard variance was required and that staff discovered an issue with the notice requirement prior to tonight’s hearing.

Mr. Sharp explained that the agenda stated that a side yard variance was needed but that the notices sent to neighbors referenced a front yard variance being needed and that the case needed to be re-advertised for the first meeting in June; that Sandy Cove Road is considered the front yard; that Pine Crest Drive is considered the corner front yard; that the revised survey came in after the case was advertised; and that the Board cannot entertain a hearing on this application this evening.

Dr. Carson moved to reschedule and re-advertise Case No. 12686 for the requested variances for the following reasons:

1. There was an error in noticing and advertising.
2. This case will be rescheduled to June 6, 2022 and placed first on the agenda.

Motion by Dr. Carson, seconded by Mr. Chorman, carried that the **variance application be rescheduled and re-advertised for the reasons stated**. Motion carried 5 – 0.

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

Case No. 12687 – Devin Fortney seeks variances from the side yard and rear yard setback requirements for existing and proposed structures (Sections 115-34, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located at the southside of Mercer Avenue within the Orchard Manor Subdivision. 911 Address: 33218 Mercer Avenue, Millsboro. Zoning District: MR. Tax Parcel: 234-35.05-123.00

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 1.2 ft. and 2.3 ft. from the 10 ft. side yard setback requirement on the north side for a proposed garage addition, 3.2 ft. from the 10 ft. rear yard setback requirement for a proposed garage addition, 3.3 ft. from the 10 ft. rear yard setback requirement for the proposed addition and existing garage, 3.4 ft. from the 10 ft. rear yard setback for the existing garage, and 4 ft. and 4.1 ft. from the 10 ft. rear yard setback requirement for existing attached garage and proposed 2nd floor addition.

Mr. Warfel recused himself and left the Council Chambers.

Mr. Richard Fortney was sworn in to give testimony about this application. Mr. Fortney submitted a picture to the Board.

Mr. Fortney testified that he and his son own this property which is located on Oak Orchard; that they are seeking variances for an addition above an existing attached garage for additional sleeping quarters; that the existing garage was built in, as he believes, the 1960s, and is not in compliance with the Zoning Code; that, when building the addition, they would like to go straight up for aesthetic and functional purposes; that the lot is long and narrow; that they would like to add solar to the property in the future and the addition and new roof would make that easier and work better; that he and his son are both contractors; that his son will be residing there full time and he occasionally; that he acquired the property from a friend but they have been using it for twenty-five (25) years; that they would like to tear down an existing portion of the detached garage and add a storage area; that they would like to be able to back a trailer in from their common driveway, which is shared with the neighbor; that there is a decorative wall that borders the shared driveway making it difficult to back a trailer in to their property; that they could modify or tear down that section of wall but they do not want to alter the integrity of what is existing; that they are just looking to make improvements to the property; that there are several homes near the property which appear to be encroaching into the setback areas; that they are trying to keep up the structural integrity with the building; that he believes they are asking for the minimum variance; that the attached and detached garage were both there when the property was purchased; that the property is serviced by sewer and public water; that the neighbor who shares the driveway is in favor of their proposal; that they will be coordinating garage doors to create a uniformity within the neighborhood; that his son resides down the street currently but will be residing there full-time; that they will be applying for permits to renovate this property internally as well; that the former owner has had the property power washed annually for years; that they would like to update the siding in the future as well; that their stormwater management is all run underground; that there are no steps proposed; that the roofs will be pitched but not towards the neighbor's property; that there will not be any kitchen systems added; that there will be an HVAC system added but it will not need a variance; that there is no flooding in the rear yard that he is aware of; that they want to put an 18 ft. wide door to accommodate their trailer; that, if they were denied the variances, they would likely not build the structure due to the functionality and practicality; that, if it were built any smaller, it would be less than functional and not worth the investment; that the object of the building is to have things put away and kept in a neat and tidy manner; and that the trailer is more than 16 ft. in length, maybe about 18 or 19 ft.

The Board found that four persons 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. 12687 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;
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 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
4. The variances represent the minimum variances necessary to afford relief.

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

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

Mr. Warfel returned to Council Chambers.

Case No. 12688 – Evelyn Cosentino seeks variances from the front yard setback and side yard setback requirements for existing and proposed structures (Sections 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the northeast side of Betty Street approximately 495 ft. from Old Shawnee Road. 911 Address: 5531 Betty Street, Milford. Zoning District: MR. Tax Parcel: 130-3.00-84.00

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received one (1) letter in support of, none in opposition to the Application and zero mail returns. The Applicant is requesting variances of 5 ft. from the 10 ft. side yard setback requirement on the southeast side for an existing garage with lean-to and 5 ft. from the 30 ft. front yard setback requirement for an existing dwelling.

Ms. Evelyn Cosentino and Mr. Frank Umstetter were sworn in to give testimony about her application.

Mr. Chorman recused himself and left the Council Chambers.

Mr. Umstetter testified that they submitted for permits for a pole building to be built by Diamond State Pole Buildings; that the building was going to be 5 ft. from their fence and was a 24 x 24 pole building with a lean-to off the front; that they were told it was accepted and then 2 weeks later when the property was staked out they found out that the setbacks were changed; that

the building was installed without the lean-to due to the square footage; that they want to have the lean-to placed on the side of the pole building rather than the front now; that they would be taking more of their own yard up than originally intended; that the septic is located to the rear of the pole building; that it is roughly 25 ft. from the front of the house to the street; that there is about 1 ft. from the front property line to the edge of the street; that the lean-to will just be used a covered area for resting and grilling; that the building is very nice but they would still like the lean-to; that they are unsure of if it was Diamond State who made a mistake but all they were told was that a mistake was made and they need to move the building; that this is costing her extra money; and that there have been no complaints about the structure.

Ms. Cosentino testified that they received the permit for the building as it was proposed initially with the lean-to; that she does not know where the error was made in granting the permit and then changing the requirements; that, when it was re-staked to comply with the Code, they were unable to access the garage from their driveway; that, when they stated they would go smaller, they were told that the materials were already ordered; that they would have been stuck with the materials; that they were credited for the some of the lean-to materials; that they would like to place the lean-to on the side rather than the front now; that they were 140-160 ft. over the sf. for the 5 ft. setback; that, had they been told, they would not have went as big; that they wanted the lean-to; that the garage was offset and they were unable to get the cars in; that the structure poles were placed in a manner that they could not get in; that they had to redesign the whole building, moving the garage door to the center and making them unable to place the lean-to on the front; that they had start dates prior to the adjustment of the permit; that they had done their own research prior to the submission of permits and thought they were in compliance based on their contractor and the permit; that the pole building is existing now and the lean-to will go towards the center of their property; that it was constructed in December of 2021 because plans had to be resubmitted; that it is designed as it is to allow vehicle access; that the house was existing when it was purchased; that the house has been there since the 1960s; that there are three (3) steps with a 2-3 ft. landing off the front of the house; that they tried to accommodate for the adjustment of the permit but the materials were already ordered and they only received a credit for the wood for the lean-to but they have all the other metal which was purchased; that Diamond State obtained their permit for them; that entire plan changed and they were almost to the point of not doing the pole building at all; that they were locked in to the contract regardless of the changes that had to be made and placed them in a hard spot; that she was extremely disappointed; that Diamond State indicated that the County overlooked it and then had to change the permit; that she did not create the exceptional practical difficulty; and that this is costing her double if not triple the original for the lean-to.

Ms. Norwood stated that the setback for the pole building was only 5 feet but, when the lean-to was added, the side yard setback changed to 10 feet.

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. 12688 for the requested variances, pending final written decision, for the following reasons:

1. The exceptional practical difficulty was not created by the Applicant;

2. 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
3. The variances represent the minimum variances necessary to afford relief.

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

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

Mr. Chorman returned to Council Chambers.

Case No. 12689 – Heather Shevland seeks a special use exception to operate a daycare facility (Sections 115-40 and 115-210 of the Sussex County Zoning Code). The property is located at the north side of 33564 Parker House Road within the Chevy Chase Subdivision. 911 Address: 33564 Parker House Road, Frankford. Zoning District: GR. Tax Map: 134-16.00-697.00

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received one letter in support of, none in opposition to the Application and zero mail returns. The Applicant is requesting a special use exception to operate a daycare facility.

Ms. Heather Shevland was sworn in for testimony about her application.

Ms. Shevland testified that she and her husband are the current owners of The Learning Center Preschool in Ocean View; that this property is adjacent their existing facility and they want to build a new building on that lot; that they will be building this new building while operating their existing facility and that will allow for a smooth transition for them and the children; that they already have a special use exception for a daycare on the adjacent property; that the use will not substantially affect adversely the uses of neighboring and adjacent properties; that they will improve the value of the neighborhood by constructing a new building; that the number of families served will remain the same, as well as their adequate off street parking; that they started their business in 2008, moved to their current location in 2015, and in 2017 purchased the neighboring property; that their neighbors are very supportive and have made no complaints about the daycare; that their existing building is a remodeled home but it is in need of updates and is not worth the updates; that they wish to start from scratch to create a safe and clean environment for the children; that the new property is on public sewer but they would install a well; that their parking is existing and can accommodate fourteen (14) off street vehicles; that their hours of operation are 8:15 am until 2:30 pm; that their goal is to keep the children in school while building the new building; that they will be keeping the playground that is existing; that they are licensed; that the adjacent neighbor submitted his support via letter; that they are licensed for twelve (12) children ages 2 to 5 years old and they operate in sessions, 2 sessions for 12 children each session consisting of 3 hours each; that they have two (2) employees; and that there are a few other businesses in the vicinity such as Melson’s Funeral Home and a storage business.

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. Chorman moved to approve Case No. 12689 for the requested special use exception, pending final written decision, based on the record made at the hearing.

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

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

ADDITIONAL BUSINESS

Meeting adjourned at 8:16 p.m.