

MINUTES OF NOVEMBER 16, 2020

The regular meeting of the Sussex County Board of Adjustment was held on Monday, November 16, 2020, 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 Chair Ellen Magee presiding. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Ms. Ellen Magee, Mr. John Williamson, and Mr. Brent Workman. Also, in attendance were Mr. James Sharp, Esquire – Assistant County Attorney and staff members Ms. Jennifer Norwood - Planning and Zoning Manager, Ms. Lauren DeVore – Planner III, and Ms. Ann Lepore – Recording Secretary.

The Pledge of Allegiance was led by Ms. Magee.

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

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

Motion by Mr. Williamson, seconded by Mr. Chorman, and carried unanimously to approve the Minutes for the September 21, 2020, meeting. Motion carried 5 – 0.

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

Motion by Mr. Chorman, seconded by Mr. Williamson, and carried to approve the Findings of Facts for the September 21, 2020, meeting. Motion carried 5 – 0.

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

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

Chair Magee read the mask policy.

OLD BUSINESS

Case No. 12489 – Rehoboth Inn JK, LLC seeks variances from the front yard and rear yard setback requirements for existing and proposed structures (Sections 115-82, 115-182 and 115-183 of the Sussex County Zoning Code). The property is located on the southwest side of Coastal Highway (Rt. 1) approximately 153 ft. southeast of Washington Street. 911 Address: 20494 Coastal Highway, Rehoboth Beach. Zoning District: C-1. Tax Parcel: 334-19.08-176.00

The Board discussed the case which had been tabled at the November 2, 2020 meeting.

Ms. Magee expressed concerns that she believes Building B could be brought into compliance and that the Applicant could redesign that building.

Mr. Williamson asked about the fire marshal regulations.

Mr. Workman expressed concerns that the exceptional practical difficulty was created by the Applicant.

Mr. Chorman stated that he felt the Applicant was boxed in by regulations and that there are economic considerations at play also.

Mr. Workman moved to table Case No. 12489 until the meeting on December 14, 2020.

Motion by Mr. Workman, seconded by Mr. Chorman, carried unanimously that the **application be tabled to the December 14, 2020, meeting.** Motion carried 5 – 0.

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

PUBLIC HEARINGS

Case No. 12493 – Yekaterina Barg seeks variances from the side yard setback requirements for existing structures (Sections 115-42 and 115-183 of the Sussex County Zoning Code). The property is located on the south side of White Pine Drive within the Pines at Long Neck Subdivision. 911 Address: 136 White Pine Drive, Millsboro. Zoning District: GR. Tax Parcel: 234-23.00-859.00

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received one letter in support of and none in opposition to the Application and zero mail returns. The Applicant is requesting variances of 7.2 ft. and 8.7 ft. from the required 10 ft. side yard setback on the west side for an existing trellis. Ms. Norwood noted that the Applicant received a notice of violation for building without a permit and building within the setback; that the Applicant applied for a permit on the same day that the violation was noticed; and that the permit is under review pending the outcome of this Application.

The Board found that Mrs. Shannon Carmean Burton, Esq. was present on behalf of the Applicant, Yekaterina Barg.

Mrs. Burton stated that Ms. Barg is also present and will be sworn in to give testimony; that the Applicant has applied for a 7.2 ft. variance from the 10 ft. side yard setback for a trellis and an 8.7 ft. from the 10 ft. side yard setback for the overhang of the trellis; that the Applicant has owned the

property since March 2017; that, in an effort to create a natural shaded play area for her children, the Applicant hired a contractor to construct a trellis; that, after the trellis was erected, the Applicant received a notice of violation; that the Applicant sought a permit which was denied as a variance would be required to bring the trellis into compliance; that the property is located in the Pines at Long Neck; that the property is unique as it is a narrow rectangular lot with only 7,500 sf and 60 feet wide; that there is no possibility that the property can be developed in strict conformity with the code as the trellis was constructed as a shaded play area for children; that, if the trellis must meet setback requirements, its purpose would be defeated as the space would be too small for a play area; that a variance is necessary to enable the reasonable use of the property; that the exceptional practical difficulty was not created by the Applicant and is due to the unique conditions of the property; that the Applicant had no control over the sides of the lot or the house or the placement of the house; that the Applicant engaged a contractor to construct the trellis; that the variances will not alter the essential character of the neighborhood or be detrimental to the public welfare; that the neighbor most affected by this variance request has submitted a letter of support; that the HOA has approved the construction of the trellis; and that the variances requested are the minimum variances necessary to afford relief and allow the trellis to remain.

Ms. Yekaterina Barg was sworn in to give testimony about the Application. Ms. Barg affirmed the statements made by Mrs. Burton as true and correct.

Ms. Barg testified that the name of the contractor was Jesus Gonzalez; and that no permit was obtained.

Mrs. Burton stated that there was some confusion as to whether a building permit was needed as Mr. Gonzalez did not think a permit was needed.

Ms. Barg testified that the trellis was constructed during the summer of 2020; that the dwelling on the adjoining property is approximately 10 ft. away from the property line; that there is no natural habitation yet but she plans to plant vines; that there are no intentions to enclose this structure; that she could not place this in the rear yard; and that a smaller trellis would defeat the purpose of having a trellis.

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

Ms. Magee closed the public hearing.

Dr. Carson moved to deny Case No. 12493 for the variances as the Applicant engaged in the construction of the trellis without a permit or request for a variance and that the exceptional practical difficulty was created by the Applicant. The motion died for lack of a second.

Mr. Workman moved to table Case No. 12493 until the meeting on December 14, 2020.

Motion by Mr. Workman, seconded by Mr. Chorman, carried that the **application be tabled to the December 14, 2020, meeting.** Motion carried 4 – 1.

The vote by roll call; Mr. Workman – yea, Mr. Williamson – yea, Dr. Carson – nay, Ms. Magee – yea and Mr. Chorman - yea.

Case No. 12494 – James & Elizabeth Wade seek a variance from the rear yard setback requirements for an existing structure (Sections 115-42, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the north side of White Pine Drive within the Pines at Long Neck Subdivision. 911 Address: 14 White Pine Drive, Millsboro. Zoning District: GR. Tax Parcel: 234-23.00-808.00

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 a 5 ft. variance from the required 5 ft. rear yard setback for an existing shed. Ms. Norwood stated there is no record of a building permit for the shed, however, the Assessment Department has it on the tax records.

The Board found that Mrs. Shannon Carmean Burton, Esq. was present on behalf of the Applicants, James and Elizabeth Wade.

Mrs. Burton stated that that Ms. Erin Lee, realtor is also present and will be sworn in to give testimony; that the Applicants purchased this property in September 2020 with the existing improvements; that, during the purchase process, the Applicants had a survey completed and discovered that the shed and deck encroach onto properties that are owned by the Pines at Long Neck Subdivision and also into the setback; that the Homeowners Association entered into a licensing agreement to allow the existing improvements to remain in their current locations; that the agreement was included with the Application materials; that the deck is not above grade level and therefore can go to the property line; that the variance request is for the shed only; that the property is unique as it is a narrow rectangular lot with only 7,500 sf; that there is no possibility that the property can be developed in strict conformity with the code; that the rear of the property abuts to open space lands owned by the HOA; that the shed has been in its current location since 1999 and there is no other location to place it on the property; that the variance is necessary to enable the reasonable use of the property; that the Applicants did not create the exceptional practical difficulty as they just recently purchased the property and learned of the encroachment after receipt of the survey; that granting the variance will not alter the essential character of the neighborhood or be detrimental to the public welfare; that the lands that would be affected by the variance are open space owned by the HOA, which has entered into a license agreement to allow the encroachment onto the HOA lands; that it is a minimum variance to afford relief and to bring the shed into compliance with the Zoning Code; and that the variance represents the least modification of the regulation at issue.

Ms. Erin Lee was sworn in to give testimony about the Application. Ms. Lee affirmed the

statements made by Mrs. Burton as true and correct.

Mrs. Burton stated that the shed cannot be moved forward due to the steps from the house.

Ms. Lee testified that the shed cannot be moved forward on the property as it would block access to the rear entrance of the dwelling; that the shed is 250 sf with two sets of doors which are not garage doors; that the interior is divided by a wall and is used for storage and tools; that it has a wooden floor; that the shed was placed in 1999; that a neighbor has a shed in a similar location; and that there have been no complaints.

Mrs. Burton stated that the shed would have to be cut in half to comply with the Code.

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

Ms. Magee closed the public hearing.

Dr. Carson moved to approve Case No. 12494 for the variance because the exceptional practical difficulty was not created by the Applicants; that it will not alter the essential character of the neighborhood, and that it is the minimum variance to afford relief.

Motion by Dr. Carson, seconded by Mr. Chorman, carried unanimously that the **variance be granted for the reasons stated**. Motion carried 5 – 0.

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

Case No. 12495 – Carl & Maria Anderson seek variances from the side yard setback requirements for a proposed structure (Sections 115-25, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the southwest side of Locust Street within the Woodland Heights Subdivision. 911 Address: 10116 Locust Street, Laurel. Zoning District: AR-1. Tax Parcel: 232-12.18-29.01

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 6.9 ft. and 7.1 ft. from the 15 ft. side yard setback requirement on the southeast side for a proposed attached garage.

The Board found that Mrs. Shannon Carmean Burton, Esq. was present on behalf of the Applicants.

Mrs. Burton stated that Mr. and Mrs. Anderson are also present and Ms. Anderson will be sworn in to give testimony about their Application; that the Applicants have owned the property since

2008; that the property is improved with a dwelling; that there is no garage existing on the property; that the Applicants are requesting a variance in order to construct a two car garage; that the property is unique as it is a rectangular lot located in the Woodland Heights subdivision and the location of the septic system prevents moving the proposed garage to another location on the property; that an exceptional practical difficulty exists due to the uniqueness of the property; that a two-car garage is a reasonable addition to the property but it cannot otherwise be developed; that the garage is reasonable; that the exceptional practical difficulty was not created by the Applicants as they had no control over the size of the lot or the placement of the septic system; that granting the variance will not alter the essential character of the neighborhood as there are other garages in the area and it will enhance the Applicants' property and increase its value; that the variances will not be detrimental to the public welfare; that it is a minimum request to construct a two-car garage to park their cars and for storage of other personal items; and that the variance represents the least modification of the regulation at issue.

Ms. Maria Anderson was sworn in to give testimony about the Application. Ms. Anderson affirmed the statements made by Mrs. Burton as true and correct.

Ms. Anderson testified that a permit has been applied for; that initially they thought the side yard setback was 10 ft. but then was told by the County that it is 15 ft.; that they then applied for a variance; that a single car garage would be in compliance with County Code but that would not address the Applicants' need for storage in addition to housing both cars; that the sheds are located away from the septic system but the septic tanks take up much of the rear yard; that no HOA approval is needed; and that neighbors support the request.

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

Ms. Magee closed the public hearing.

Mr. Chorman moved to approve Case No. 12495 for the variances because the property has unique physical conditions due to the location of the septic system; that it cannot be otherwise developed; that it will not alter the essential character of the neighborhood, and that it is the minimum variance to afford relief.

Motion by Mr. Chorman seconded by Mr. Williamson, carried that the **variances be granted for the reasons stated**. Motion carried 4 – 1.

The vote by roll call; Mr. Workman – yea, Mr. Williamson – yea, Dr. Carson – nay, Ms. Magee – yea and Mr. Chorman - yea.

Case No. 12496 – George E. & Lucille J. Kehm seek a variance from the rear yard setback requirements for a proposed structure (Sections 115-25, and 115-183 of the Sussex County Zoning Code). The property is located on the west side of Bayberry Court within the Marina at Peppers Creek

Subdivision. 911 Address: 33276 Bayberry Court, Dagsboro. Zoning District: AR-1. Tax Parcel: 233-7.00-277.00

Ms. DeVore presented the case and stated that the Office of Planning and Zoning received two letters in support of and none in opposition to the Application and zero mail returns. The Applicant is requesting a variance of 2 ft. from the 10 ft. rear yard requirement for a proposed screen porch.

George Kehm and Lucille Kehm were sworn in to give testimony about their Application.

Ms. Kehm testified that they are asking for a 2 ft. variance to build an 8 ft. by 12 ft. screen porch; that, when the house was built, the contractor placed the house too far back on the property; that a screen porch cannot be built without the variance; that there are bugs in the rear yard; that there is no other location on the property to allow for a screened porch; and that it will enhance the property and match the characteristics of the neighborhood.

Mr. Kehm testified that there is a chicken farm on the other side of the road and there are a lot of bugs associated with that farm; that a screened porch is necessary for comfortable outdoor living due to flies and mosquitoes; and that he completed the drawing of the proposed screen porch.

Ms. Kehm testified that the house backs up to a road; that she and her husband maintain 3 ft. of common ground behind their property; that Bobby Horsey and Insight was the builder and, after the house was built, they were given an additional 5 ft. because the rear yard was so shallow; that granting the variance will not affect visibility in the neighborhood; that the builder should have placed the home 30 ft. from Bayberry Court, but actually placed it 37 ft. from the road creating the issue with the rear yard setbacks; that the requested 2 ft. is to allow flexibility should the contractor make a mistake but only 1.2 ft. is necessary for an 8 ft. porch; that a porch which was only 6 feet deep would be too small; that the property is unique as it backs up to community ground which is maintained by the Applicants; that it cannot otherwise be developed for a screen porch without the variance; that it will not alter the essential character of the neighborhood as there are a number of screened porches in the development; and that it is a minimum variance to afford relief.

Staff reviewed other variance applications heard by the Board in the area.

Ms. Kehm testified that they are going to the Board prior to the their HOA; that they believe the HOA will approve the request; that approximately 10 houses in the development received the additional 5 feet from the developer; and that they maintain part of the HOA land.

Mr. Sharp noted that the document provided by the Applicants show that the lot line was adjusted to add additional land to the Applicants' property.

Ms. DeVore stated that the property is within a cluster subdivision so the small lot ordinance

does not apply.

Mr. Sharp explained why the small lot ordinance does not apply to cluster subdivisions.

Ms. Kehm testified that one neighbor has a screen porch without a variance; that one neighbor may seek a variance for a screen porch; that the lots which received the additional 5 feet are along Wild Goose Way; that Lot 69 has a smaller house so no variance was needed; that the porch will not affect visibility; that there is no variance needed for steps; that, if the house was built at the 30 foot front yard setback, they would have enough room; and that they are choosing to build the structure.

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

Ms. Magee closed the public hearing.

Mr. Chorman moved to deny Case No. 12496 for the variance because the property does not have unique physical conditions and the exceptional practical difficulty is created by the Applicant.

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

The vote by roll call; Mr. Workman – yea, Mr. Williamson – yea, Dr. Carson – yea, Ms. Magee – nay and Mr. Chorman - yea.

The Board took a seven-minute recess.

Case No. 12497 – Cynthia Parr seeks a variance from the side yard setback requirements for a proposed structure (Sections 115-25, and 115-183 of the Sussex County Zoning Code). The property is located on the south side of Regatta Bay Boulevard within the Heron Bay Subdivision. 911 Address: 30162 Regatta Bay Boulevard, Lewes. Zoning District: AR-1. Tax Parcel: 234-5.00-273.00

Ms. DeVore 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 a 3 ft. variance from the 15 ft. side yard setback requirement on the east side for a proposed addition to the attached garage. Ms. DeVore noted that the Applicant submitted a letter at 3:30 pm this afternoon stating that the Heron Bay Architectural Review Committee (ARC) will deny the request as it does not meet the setback requirement per their covenants.

Mr. Daniel Kaynan was sworn in to give testimony about the Application.

Mr. Kaynan testified that he is the contractor for the project and is presenting the Application on behalf of Cynthia Parr and that Ms. Parr will participate by teleconference.

Ms. Cynthia Parr was sworn in by teleconference to give testimony about the Application.

Ms. Parr testified that she received a denial from the ARC because the addition does not meet the restrictive covenants; that a building permit has not been sought at this time; that this request is for approval of a minor encroachment into the side yard setback; that this side of the property abuts a vacant lot and therefore granting the variance will not cause an adverse effect on the adjoining neighbor; that the adjoining neighbor submitted a letter of support to the ARC; that there is open space to the south; that granting this variance will have no impact on the County's 10 ft. maintenance easement; that the easement is on the vacant lot to the west of the subject property; that the existing garage is very small; that this variance would allow for a small addition so that cars can be parked in the garage and for some additional storage; that she plans to retire to the property; that she did not build the house; that it will be an enhancement to the property; that Sussex County supersedes the HOA regulations; that the easement is an access easement to the stormwater management pond; that the house was built in 2007 and purchased by the Applicant in April 2015; that the exceptional practical difficulty was not created by the Applicant but by the previous owners who built the house and placed it in its current location; that she needs a larger garage; that she could build to the side yard setback line and would have a 17 foot wide garage; that there is public water and sewer on the property; that she cannot build in the rear yard due to other uses; that a detached garage cannot be placed on the property as there would be no point of access; that she can fit a car in the garage now but would not have room for storage; that she needs the additional space for a second car; and that she is considering a shed in the rear yard and an addition to the house.

Ms. DeVore stated that the 10 foot access easement is off the property.

Mr. Kaynan testified that the existing garage is 12 ft. wide and the Applicant wants to increase it to 20 ft. to be able to fit a double car garage door and fit two cars in the garage and that, without the variance, the garage could only be increased by 5 ft. which would not fit the door and two cars within the space; that the garage door is currently 8 feet wide; that he could fit a 16 foot wide garage door if the garage was 17 feet wide but it would be tough to open the car doors.

Ms. DeVore noted to the Board that the standard parking space is 162 square feet.

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

Mr. Harry Jones was sworn in to give testimony in opposition to the Application.

Mr. Jones testified that he was a member of the Heron Bay ARC in 2018; that the Applicant had then applied for a variance of 6 ft. which was rejected by the committee; that the setback is 15 ft. per HOA restrictions and by County Code; that the ARC has denied the current request for 3 ft.; that the Applicant is trying to override the HOA restrictions by applying to the County for a variance; that granting this variance would set a precedent for the development; that there are no other variances in

the community; that the development was created in 2006; that, if this variance is granted, others will seek variances; and that other lots in the neighborhood only have one-car garages.

Ms. Parr testified that she is aware that the neighboring lot is community property; that she never received a written response from the ARC about her prior application; that she is not from Delaware and is confused about the process to obtain building permits; that there are 1 car and 2 car garages in the neighborhood; and that she admits that there are no variances in the neighborhood.

Mr. Jones testified that he has a 2 car garage but built his garage within the setback requirements.

Mr. Sharp stated that when the Chair stated that the County supersedes the HOA restrictions, that it means that the County will enforce only County restrictions and not the restrictions of the HOA.

Ms. Magee closed the public hearing.

Mr. Williamson moved to deny Case No. 12497 for the variance because the property does not have unique physical conditions which created an exceptional practical difficulty; that the exceptional practical difficulty is created by the Applicant; and that granting the variance would alter the essential character of the neighborhood.

Motion by Mr. Williamson seconded by Dr. Carson, carried unanimously that the **variance be denied for the reasons stated**. Motion carried 5 – 0.

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

Case No. 12499 – Dick Ennis seeks a variance from the side yard setback requirements for a proposed structure (Sections 115-25, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the southeast corner of the intersection of Angola Road and John J. Williams Highway (Rt. 24). 911 Address: 22357 John J. Williams Highway, Lewes. Zoning District: AR-1. Tax Parcel 234-11.00-56.03

Ms. DeVore 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 a variance of 10 ft. from the 15 ft. side yard setback requirement on the south side for a proposed detached garage.

Mr. Harold Richard Ennis was sworn in to give testimony about his Application.

Mr. Ennis testified that he has owned the property for a number of years; that he now has an opportunity to build on the property; that the request is to build a pole building for boat maintenance

and boat detailing; that the building will measure 50 feet by 50 feet; that the building will help during inclement weather as it will allow him to work inside; that it will be aesthetically pleasing; that the property is unique because it is a corner lot with an irregular shape and limited space and it slopes towards Angola Road; that there is flooding on a large portion of the property; that turning a boat onto the lot is a safety concern; that the Applicant has practiced the best location for the proposed building using a boat on a trailer being towed by a truck for turning radius; that the best location was close to the home office, which is on the adjacent parcel; that the adjacent property is also owned by the Applicant so the variance, if granted, will not substantially affect any neighbors; that the exceptional practical difficulty has not been caused by the Applicant but by a need for shelter from the weather when performing boat repairs; that the building will have an alarm system; that the property slopes about 5-6 feet towards Angola Road; that this was the only high ground for the pole barn; that another entrance off Route 24 would not work for turning radius; that granting the variance will not alter the essential character of the neighborhood as there are many barns in the area; that this is the minimum variance to allow this building to be placed in the most ideal location for the business; that he has an agreement with his neighbor for accessing the property through an easement; that there was a plan to combine both lots but that plan has been abandoned at this time; that there is a shed and a boat lift close to Angola Road and the shed gets flooded in inclement weather; and that the shed will be removed when the pole building is constructed.

Ms. Magee asked how the exceptional practical difficulty is not being caused by the Applicant. Mr. Ennis testified that it is being caused by the Applicant.

Ms. DeVore stated that if the lots were combined, it would require a new conditional use application for boat sales.

Mr. Sharp asked if the conditional use is for the subject property and, if the lots were combined, the conditional use would have to be amended to include the additional lot. Ms. DeVore confirmed this.

Mr. Ennis testified that this is the best location for the pole barn; and that the property slopes towards Angola Road.

Ms. DeVore stated that there is a sight distance triangle typically required by DelDOT and it is on a curve, therefore, the entrance could not be shifted closer to Angola Road.

Mr. Ennis testified that the shed will be torn down; that the septic system on the house lot is in the front yard but there is no septic system on this lot.

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

Ms. Magee closed the public hearing.

Mr. Chorman moved to deny Case No. 12496 for the variance because the exceptional practical difficulty is created by the Applicant as stated in the record and the property does not have unique physical conditions.

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

The vote by roll call; Mr. Workman – yea, Mr. Williamson – yea, Dr. Carson – nay, Ms. Magee – yea and Mr. Chorman - yea.

Additional Business

The Board discussed the request for a 12-month extension for Case 12230 Lands of David R. Yingling & Mona L. Hansford

Motion by Dr. Carson, seconded by Mr. Williamson, to approve the extension for a period of one year. Motion carried 5 – 0.

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

Ms. Magee announced that Bud Rickard former Board member and former County employee passed away recently. The Board had a moment of silence in Mr. Rickard's memory. Mr. Sharp stated that it was Mr. Rickard who suggested the Pledge of Allegiance be said at the beginning of Board of Adjustment meetings.

Dr. Carson asked if the Board fails to make a motion; that if the Chair wished to make a motion; that the Chair could transfer the Chair to the Vice-Chair in order to make a motion; and that would allow the Chair the opportunity to make a motion. Mr. Sharp confirmed this and stated that the Chair could do this also to second a motion.

Meeting adjourned at 9:13 p.m.