

## MINUTES OF NOVEMBER 18, 2024

The regular meeting of the Sussex County Board of Adjustment was held on Monday, November 18, 2024, at 6:00 p.m. in the County Council Chamber, Sussex County Administration Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Jeffrey Chorman presiding. The Board members present were Dr. Kevin Carson, Mr. Shawn Lovenguth, Mr. John Williamson, and Mr. Jeffrey Chorman. Also, in attendance were Mr. James Sharp, Esquire – Assistant County Attorney, and staff members Ms. Jennifer Norwood – Planning and Zoning Manager, and Ms. Marina Truitt – Recording Secretary.

The Pledge of Allegiance was led by Mr. Chorman.

Motion by Dr. Carson, seconded by Mr. Williamson and carried unanimously to approve the agenda. Motion carried 4 – 0.

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

Motion by Mr. Williamson, seconded by Dr. Carson and carried unanimously to approve the Minutes for the September 23, 2024, meeting. Motion carried 3 – 0.

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

Motion by Dr. Carson seconded by Mr. Williamson and carried to approve the Findings of Facts for the September 23, 2024, meeting. Motion carried 3 – 0.

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

### **OLD BUSINESS**

**Case No. 12996 – Cellco Partnership (Verizon Wireless)** seeks a special use exception to place a telecommunications tower (Section 115-25, 115-194.2, and 115-210 of the Sussex County Zoning Code). The property is located on the west side of Old Landing Road and south of Betsy Ross Boulevard. 911 Address: 20338 Old Landing Road, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-18.00-76.00

Ms. Norwood presented the case.

Mr. Sharp informed the Board that at the October 7, 2024, meeting the Board voted to leave the case open for limited purposes only with the Applicant being able to provide to the Board by November 4, 2024, reports on the propagation modeling regarding the proposed antennae on the Beacon Water Tower and for the public to submit written comments only by November 15, 2024.

Mr. Lovenguth recused himself and left the Chambers.

Dr. Carson moved to approve the application for Case No. 12996 for the requested special use exception, pending final written decision, because the proposed use will not substantially affect adversely the use of the adjacent or neighboring properties and because the Applicant has met the standards set forth in 115-194.2 of the Code.

Motion by Dr. Carson, seconded by Mr. Williamson, carried that the **special use exception be approved for the reasons stated.** Motion carried 3 - 0.

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

Mr. Lovenguth returned to the Chambers.

### **PUBLIC HEARINGS**

**Case No. 13015 – Krista Wisseman** seeks a variance from the side yard setback requirement for a proposed structure (Sections 115-42 and 115-183 of the Sussex County Zoning Code). The property is located on the west side of Hickory Hill Road. 911 Address: 30880 Hickory Hill Road, Millsboro. Zoning District: GR. Tax Map: 233-4.00-29.00

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 seeks a variance of 7 feet from the 10 foot side yard setback requirement on the southwest side for a proposed pole building.

Mr. Sharp confirmed with Ms. Norwood that the proposed pole building will be located 3 feet from the side yard property line on the southwest side and that the rear property line is the line in the northwest corner of the lot.

Mr. Krista Wisseman was sworn in to give testimony for this application.

Ms. Wisseman testified that she has an odd shaped lot; that they have had communication with all the neighbors and they do not have a problem with it; that she bought the lot how it sits; that they have never subdivided the property; that there are other pole buildings in the neighborhood; that they cannot do anything in the back yard because of the septic; that the septic system is located north of the patio; that the well is located in the front yard; that the underground propane and septic are located on the north side; that they thought about making the building smaller but they have a camper so, in order for that to fit, they have to keep the pole building this size; that, if they moved the pole building closer to the house, they would have to cut out the concrete patio; that the other building on

the property is an old horse barn; that the camper is 10 feet wide and is tall; that there are no restrictive covenants in the neighborhood; that there will be no steps closer to the side yard; that the pole building cannot be put in the northeast corner due to the well; that they would be able to maintain the structure while remaining on the property; and that they looked at a smaller structure but could not fit their belongings in the structure.

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

Mr. Chorman closed the public hearing.

Mr. Williamson moved to deny the application for Case No. 13015 for the variance, pending final written decision, for the following reasons:

1. The exceptional practical difficulty is being created by the Applicant; and
2. The variance sought is not the minimum variance necessary to afford relief.

Motion by Mr. Williamson, seconded by Dr. Carson, carried that the **variance be denied for the reasons stated**. Motion carried 3 - 1.

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

**Case No. 13016 – Brett Cox** seeks a special use exception for a private garage for more than four automobiles and with floor area of more than 900 square feet in a residential district (Sections 115-40(C) of the Sussex County Zoning Code). The property is located on the southeast side of Caroline Road. 911 Address: 30130 Caroline Road, Ocean View. Zoning District: GR. Tax Parcel: 134-9.00-91.00

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 ten (10) mail returns. The Applicant seeks a special use exception for a private garage for more than four automobiles and with floor area of more than 900 square feet in a residential district.

Mr. Brett Cox was sworn in to give testimony for this application.

Mr. Cox testified that he believes that the garage would not affect anyone as the building is on 16 acres and is located 400 - 500 feet off Sandy Cove Road; that the use will not substantially affect the uses of neighboring and adjacent properties; that the existing building stores 2 boats and 2 cars; that he wants to add a second building with a breezeway for a camper; that Bayshore Manufactured Home Park is located nearby; that the building will be 35 feet from the property line; that he has accumulated belongings over the years; that he needs the space so he can store the things he has acquired from family deaths; that he has his father's truck and a car; that the other building

will be used to store his vehicles and boat; that he lives across the street from the property and visits it daily; that the structure will not affect visibility from the road; that the structure will be located closer to Caroline Road; that there will be electric to the building but no other utilities; that the reason for the big depth of the building is because one of his boats is 24 foot long; that they have things scattered on the property and if, they had another building, they could clean up the property a bit; that he has no intentions of turning this into a commercial building; that he spoke to the neighbors in the park behind it and they were fine with it; that there is no homeowners association governing the property; that there is a lagoon and manufactured home park across the street; and that there are tennis courts nearby; that he has not received any complaints – only complements – about the structure.

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

Mr. Chorman closed the public hearing.

Dr. Carson moved to approve the application for Case No. 13016 for the requested special use, pending final written decision, because the use will not substantially affect adversely the uses of neighboring and adjacent properties.

Motion by Dr. Carson, seconded by Mr. Williamson, carried that the **special use exception be approved for the reasons stated.** Motion carried 4-0.

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

### **ADDITIONAL BUSINESS**

**Meeting adjourned at 6:36 p.m.**