

MINUTES OF OCTOBER 17, 2016

The regular meeting of the Sussex County Board of Adjustment was held on Monday, October 17, 2016, at 7:00 p.m. in the County Council Chambers, 2 The Circle, Georgetown, Delaware.

The meeting was called to order at 7:00 p.m. with Chairman Dale Callaway presiding. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Jeff Hudson, Mr. Brent Workman, and Mr. Norman Rickard, with James Sharp – Assistant County Attorney, and staff members Mr. Lawrence Lank – Director of Planning and Zoning, Mr. Daniel Brandewie – Planner I, 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 Revised Agenda as circulated. Motion carried 5 – 0.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously to approve the Minutes and Finding of Facts for August 15, 2016 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. 11856 – Mark S. Wood and Nancy L. Wood – seek a variance from the front yard setback requirement for a through lot (Section 115-50D of the Sussex County Zoning Code). The property is located on the south side of Bayview Circle and north side of Bayville Road in Bayview Landing. 911 Address: 37912 Bayview Circle, Selbyville. Zoning District: HR-1 RPC. Tax Map No.: 5-33-13.00-130.00.

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

Mark Wood was sworn in to testify about the Application. Raymond Tomasetti, Esquire, presented the case on behalf of the Applicants and submitted pictures for the Board to review.

Mr. Tomasetti stated that the Applicants are requesting a variance of 2.5 feet from the forty (40) feet front yard setback requirement for an existing screened in porch; that the previous owners purchased the Property in January 2008; that the dwelling was a new home at that time and it was built by NVR Homes; that a Certificate of Compliance for the dwelling was issued in January 2008; that a Certificate of Compliance for the deck and screened in porch was issued April 2008; that the porch is reasonable in size; that other homes and porches in the neighborhood are similarly situated; that the previous owner was unaware of the encroachment until a survey completed for settlement of the sale of the Property to the Applicants was completed; that the Property is a through lot and is unique because it fronts on two (2) roads; that the two (2) front yard setback

requirements create a practical difficulty to develop this Property; that the porch cannot be moved to comply with the Sussex County Zoning Code because a porch that would fit in the building envelope would be too small; that the variance is necessary to enable reasonable use of the Property; that the exceptional practical difficulty was not created by the Applicants; that the dwelling, deck, and porch were placed on the Property by a prior owner; that the variance will not alter the character of the neighborhood; that the structures have been on the Property for 8 years; that the use is not detrimental to the public welfare; and that the variance requested is the minimum variance necessary to afford relief.

Mr. Wood, under oath, affirmed the statements made by Mr. Tomasetti and testified that the dwelling faces Bayview Circle East; that there is no access to the Property from Bayville Road; that the property line and the edge of paving for Bayville Road do not match which makes the lot appear larger; that the dwelling, screened in porch, and deck were built in 2008 and that there have been no changes made to the structures; and that there have been no complaints from the neighbors.

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

Mr. Rickard moved to approve Variance Application No. 11856 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The variance is necessary to enable reasonable use of the Property since the Certificate of Compliance for the screened in porch was issued in 2008.

Motion by Mr. Rickard, seconded by Mr. Mills, and carried unanimously that the variance 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. 11857 – Jeffery T. Kaczmarczyk, Richard Kaczmarczyk, & Raymond Kaczmarczyk, Jr. – seek variances from the rear yard setback requirement (Sections 115-25C and 115-185F of the Sussex County Zoning Code). The property is located on the southeast side of Bridgeville Drive West approximately 156 feet south of Bridgeville Drive East in Angola by the Bay. 911 Address: 23300 Bridgeway Drive West, Lewes. Zoning District: AR-1. Tax Map No.: 2-34-17.08-11.00 & 12.00.

Mr. Lank presented the case and stated that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application. Mr. Lank noted that Certificates of Compliance have been issued for the shed and porch.

Shannon Carmean Burton, Esquire, presented the case on behalf of the Applicants and submitted an Exhibit Book for the Board to review, which included a sworn affidavit from the Applicants. Mrs. Burton stated that the Applicants are requesting a variance of 4.9 feet from the twenty (20) feet rear yard setback requirement for an existing porch and a variance of 1.9 feet from the five (5) feet rear yard setback requirement for an existing shed; that the shed is not a moveable

shed; that the Applicants' parents purchased the Property in 1984; that the Property is located in the Angola by the Bay subdivision; that the Property was unimproved at that time; that the dwelling and porch were subsequently constructed and a Certificate of Compliance was issued in 1985; that the shed was built in 2006 and a Certificate of Compliance was issued; that the Applicants' father passed away in 2005; that, in 2010, the Applicants' mother transferred interest in the Property to the Applicants while retaining an interest herself; that the Applicants' mother passed away in 2013; that, per the Applicants' mother's Last Will & Testament, her interest in the Property passed to the Applicants; that, in August 2016, the Applicants entered an Agreement of Sale for the Property; that a survey completed for settlement showed the encroachments; that the porch has remained in the same location since 1985 and the shed has been in its present location since 2006; that the Applicants were unaware of the encroachments until the survey was completed; that the Property is unique as it is an irregularly shaped double lot located along the curved portion of Bridgeway Drive West; that the unique conditions of the Property have created an exceptional practical difficulty; that the Property cannot be developed in strict conformity with the Sussex County Zoning Code; that the variances are necessary to enable reasonable use of the Property; that the exceptional practical difficulty was not created by the Applicants; that the Applicants believed the structures complied with the Sussex County Zoning Code because Certificates of Compliance had been issued; that the variances will not alter the essential character of the neighborhood and will not be detrimental to the public welfare; that the variances are the minimum variances necessary to afford relief; that the shed is on a permanent foundation and cannot be moved into compliance; and that the rear yard is adjacent to a common area owned by the homeowners association.

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

Mr. Mills moved to approve Variance Application No. 11857 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The Property is unique due to its irregular shape;
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. Mills, seconded by Mr. Hudson, and carried unanimously that the variances be **granted for the reasons stated**. Motion carried 5 – 0.

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

Case No. 11858 – Sharon Marie Eliason – seeks a variance from the front yard setback requirement (Sections 115-182B and 115-34B of the Sussex County Zoning Code). The property is located at the southwest corner of Minnesota Street and Idaho Court in Sand Dunes Village. 911 Address: 32690 Minnesota Street, Lewes. Zoning District: MR. Tax Map No.: 3-35-11.00-38.00.

Mr. Lank presented the case and stated that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application. Mr. Lank advised the Board that Idaho Court is considered the front yard even though the house appears to have been designed to face Minnesota Street.

Chester Carbaugh was sworn in to testify about the Application. Chad Meredith, Esquire, presented the case on behalf of the Applicant and submitted pictures for the Board to review.

Mr. Meredith stated that the Applicant is requesting a variance of 27.6 feet from the thirty (30) feet front yard setback requirement along Idaho Court for an existing detached garage; that the Applicant's husband purchased the Property in 1993; that her name was added to the deed to the Property in 2004; that the Applicant became the sole owner of the Property in March 2015; that the original survey showed the house, porch, and shed; that the Applicant is selling the Property; that a new survey was completed for settlement and showed the encroachments and the existence of the garage; that two (2) sheds and two (2) carports will be removed from the Property; that the variance is needed for the detached garage; that the detached garage was built in 2002 and a Certificate of Compliance was issued; that a building permit was issued in 2007 to finish the second floor of the detached garage; that the edge of the road is not in line with the property line; that the garage is 19 feet from the edge of paving; that there are large trees located between the property line and the edge of paving; that the Applicant was unaware of the encroachments and believes the builder thought the setback requirement for the detached garage was fifteen (15) feet from the property line along Idaho Court and used the edge of paving as the presumed property line; that the Applicant has received no complaints from neighbors about the garage; that neighboring properties have been developed; that there appears to be no need to expand the width of Idaho Court; that Idaho Court is a dead end road servicing six (6) other properties; that the Property is unique; that an exceptional practical difficulty has been created by the Property's uniqueness; that the Property cannot otherwise be developed in strict conformity without removing the detached garage; that the variance is necessary to enable reasonable use of the Property; that the exceptional practical difficulty was not created by the Applicant; that the Applicant relied on the builder and received a Certificate of Compliance for the detached garage; that the variance does not alter the essential character of the neighborhood; that the variance does not impair the uses or development of the neighboring and adjacent properties; that the use is not detrimental to the public welfare; that there have been no prior complaints from the neighbors; that the variance is the minimum variance necessary to afford relief; and that the variance represents the least modification of the regulation at issue.

Mr. Carbaugh, under oath, affirmed the statements made by Mr. Meredith and testified that he has been a realtor in the area for three (3) years; that the variance will not have a negative impact on property values; that the space above the garage was used by the Applicant's son and child; and that the new owner plans to use the space as an office.

Pauline Powell was sworn in and testified in opposition to the Application and testified that she has lived in the development for forty-two (42) years; that a business cannot be operated at this Property due to deed restrictions; that the space above the garage can be used for family members only per deed restrictions; that the garage apartment was used by the Applicant's family

members and that use did not violate the deed restrictions; that commercial use of this Property would create additional traffic to the area; that the roads are narrow in the neighborhood; that she believes the garage should be brought into compliance; and that the variance request is too large.

Diane McIlveen was sworn in and testified in opposition to the Application and testified that the realtor marketed the apartment as a separate living quarters; that the space provided a great investment opportunity; and that the apartment above the garage has a kitchenette.

In rebuttal, Mr. Meredith stated that the Applicant is only seeking a variance; that the Applicant is not seeking additional living or commercial uses; that the Applicant will comply with the deed restrictions; and that the Applicant would seek the proper approvals if, in the future, changes to the Property are to be made.

William Powell was sworn in and testified in opposition to the Application and testified that if the detached garage was approved by the County why did the Applicant have to apply for the variance request; and that he had no objection to the building when it was constructed in 2002.

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

The Board found that four (4) parties appeared in opposition to the Application.

Mr. Rickard moved to approve Variance Application No. 11858 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The large trees in the right-of-way and that the lot is a corner lot make this Property unique;
2. The variance is necessary to enable reasonable use since the Certificate of Compliance was issued;
3. The Property cannot otherwise be developed in strict conformity with the Sussex County Zoning Code;
4. The exceptional practical difficulty was not created by the Applicant;
5. The variance will not alter the essential character of the neighborhood since there have been no prior complaints;
6. 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. 11859 – DRC Properties, LLC – seeks a variance from the maximum outside wall dimension of a building requirement (Section 115-188D(6) of the Sussex County Zoning Code). The property is located on the north side of Lighthouse Road (Route 54) approximately 475 feet

east of Old Mill Bridge Road. 911 Address: 37045 Old Mill Bridge Road, Selbyville. Zoning District: HR-1. Tax Map No.: 5-33-12.00-76.00.

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

Preston Dyer was sworn in and testified requesting a variance of 3.75 feet from the 165 feet maximum outside wall length of a building requirement; that the Property consists of approximately 12 acres; that a deed restriction limits the site to no more than 100 multi-family units; that the project was originally designed to accommodate six (6) villa units in a building that would not exceed 165 feet in length; that, in May 2014, the builder redesigned the units to accommodate a first floor master bedroom and a single car attached garage; that the walls separating the units are also slightly thicker; that the new design adds three (3) feet eight (8) inches to the length of the building; that the Property is unique due to its irregular shape and the location of the 404 Non-Tidal Wetlands area which encroaches unevenly on the west side of the Property; that the number of units on the Property was reduced from 100 units to 87 units; that the Delaware Department of Transportation (“DelDOT”) also required a fifty (50) feet right-of-way providing access to the Property; that the buildings must be separated by forty (40) feet to meet Fire Marshal regulations and the buildings will meet that separation requirement; that the Property was rezoned to HR-1 (High Density Residential); that, as an HR-1 property, the site could accommodate more than 87 units; that the Property cannot be developed in strict conformity with the Sussex County Zoning Code; that the design change of the units was made in response to new market conditions; that first floor master bedrooms and single car garages are needed in this market; that the variance is imperceptible from adjoining property owners; that the proposed buildings would now measure 168 feet 8 inches in length; that the increase in the length of the building is less than 2% of the total size of the building; that the minimal change in length is not visible to the naked eye; that the variance is the least modification of the regulation at issue; that the Applicant will be required to obtain Final Site Plan approval from the Planning and Zoning Commission; that the 168 feet maximum outside wall dimension requirement should be considered in the 2018 Comprehensive Plan discussion; that an increase in wall thickness required by the new design prevents the Property from being built in strict conformity with the Sussex County Zoning Code; and that market conditions have changed since the regulations were enacted. Mr. Dyer submitted an exhibit to the Board to review.

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

Mr. Rickard moved to approve Variance Application No. 11859 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The 404 Non-Tidal Wetlands boundary line and the need for first floor master bedrooms and attached garages make this Property unique;
2. The Property cannot otherwise be developed in strict conformity with the Sussex County Zoning Code;
3. The variance is necessary to enable reasonable use of the Property;
4. The variance will not alter the essential character of the neighborhood;

5. The variance would likely not be noticed by neighboring properties;
6. The new design of the building includes an increased wall thickness; and
7. 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**. Mr. Hudson also noted that the number of units in the project has been reduced as well. 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. 11861 – Mary Jane Schoch – seeks variances from the side yard and rear yard setback requirements (Section 115-25C and 115-183C of the Sussex County Zoning Code). The property is located on the north side of Woodland Circle approximately 35 feet east of Elmwood Avenue West. 911 Address: 33937 Woodland Circle, Lewes. Zoning District: AR-1. Tax Map No.: 2-34-18.05-29.00.

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

Susannah Griffin was sworn in and testified requesting a variance of one (1) foot from the ten (10) feet side yard setback requirement on the west side for an existing dwelling, a variance of 1.4 feet from the twenty (20) feet rear yard setback requirement for an existing dwelling, and a variance of seven (7) feet from the twenty (20) feet rear yard setback requirement for an existing deck; that she is a realtor representing the Applicant; that the Applicant is elderly and lives in an assisted living facility; that the Applicant is trying to sell the Property; that a survey completed for settlement showed the encroachments; that the Applicant purchased the Property in 1987; that the dwelling and deck were on the Property and encroached into the rear yard setback area when the Applicant purchased the Property; that the Applicant added an attached garage in 2012; that the garage was built to the west side of the dwelling; that a Certificate of Compliance was issued for the attached garage; that the uniqueness of the Property is that the structures were built and that Certificates of Compliance were issued; that the Applicant had no reason to believe the Property was not in compliance with the Sussex County Zoning Code; that the Applicant is unable to sell the Property without the variances; that the variances are necessary to enable reasonable use of the Property; that the difficulty was not created by the Applicant; that the Applicant relied on contractor to construct the garage in compliance with the Sussex County Zoning Code; that the variances will not alter the essential character of the neighborhood; that the use is not detrimental to the public welfare; that the encroachments do not affect any other properties in the neighborhood; that the variances are the minimum variances necessary to afford relief; that the rear yard of the Property is adjacent to common area in the development; that the Property is located in the Angola by the Bay development; that the recent survey differed from the original survey obtained by the Applicant; that the deck is level with the first floor of the dwelling; that it is unknown why the dwelling was built on the lot at an angle; and that the Applicant did not construct the house.

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

Mr. Mills moved to approve Variance Application No. 11861 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The Property is unique due to its irregular shape and the situation is also unique due to the fact that Certificates of Compliance were issued;
2. The dwelling and deck were already on the Property when the Applicant purchased the lot and the Applicant relied on a contractor to construct the garage;
3. The variances are necessary to enable reasonable use of the Property since the Certificate of Compliances were issued for the structures.
4. The exceptional practical difficulty was not created by the Applicant;
5. The variances will not alter the essential character of the neighborhood; and
6. The variances sought are the minimum variances necessary to afford relief.

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

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

Case No. 11862 – Harold C. Lloyd, Jr. – seeks a variance from the side yard setback requirement (Section 115-25C of the Sussex County Zoning Code). The property is located on the east side of Whites Neck Road approximately 500 feet north of Atlantic Avenue. 911 Address: 31113 Whites Neck Road, Millville. Zoning District: AR-1. Tax Map No.: 1-34-12.00-40.00.

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

Harold Lloyd, Jr. was sworn in and testified requesting a variance of 5.4 feet from the fifteen (15) feet side yard setback requirement on the south side for an existing detached garage; that the Property is identified as Lots 3 and 4 but are under the same deed; that he plans to separate the two (2) lots and give Lot 4 to his son; that the detached garage extends into the proposed side yard setback area; that his dwelling is located on Lot 3; that he needs the variance in order to separate the two (2) lots; that the separation of the two (2) lots creates a uniqueness to the Property; that the Property cannot be subdivided without a variance; that when he built the detached garage he had no plans to separate the two (2) lots; that the variance is the minimum necessary to afford relief; that the garage was built approximately ten (10) years ago; that his son intends to build a dwelling on Lot 4; that the garage is located on Lot 4; that he has owned the lots for forty-six (46) years; that the lots were combined at the time he purchased the Property; that the lots were included under one deed when he acquired the Property; that there was originally a chicken house on Lot 4 but that chicken house has since been demolished; that Lots 3 and 4 are part of a recorded subdivision; and that he discussed the subdivision with neighbors to the south and they do not object to the variance.

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

Mr. Rickard moved to approve Variance Application No. 11862 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The separation of the two (2) lots makes this Property unique;
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 Applicant;
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. Callaway, and carried unanimously that the variance be **granted for the reasons stated**. Motion carried 5 – 0.

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

Case No. 11863 – Melanie Shelly, Rebecca Clemmer, and Joan Tedeschi – seek variances from the side yard setback requirement (Section 115-25C of the Sussex County Zoning Code). The property is located on the north side of Seagrass Court, Dagsboro. Zoning District: AR-1. Tax Map No.: 1-34-7.00-101.00.

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

Christopher Woolson was sworn in and testified requesting a variance of 6.3 feet from the ten (10) feet side yard setback requirements for both sides for a proposed dwelling; that his cousins own the Property; that he is purchasing the lot from his family; that the existing dwelling must be demolished; that the existing dwelling sits level with the ground and has flooding issues; that the existing dwelling has no indoor shower; that the dwelling needs to be elevated; that he proposes to construct a new home on the Property; that he has spoken with his neighbors and the neighbors do not object to the Application; that the Property is unique; that the Property measures 36.92 feet wide at the road and at the rear property line it measures only 33.6 feet wide; that the building envelope would allow him to build a dwelling that is only thirteen (13) feet wide; that the existing dwelling is twenty (20) feet wide and is only five (5) feet from the side property lines; that the existing dwelling has no heat and minimal plumbing; that the Property is small and prone to flooding; that the proposed dwelling will fit with the character of the neighborhood; that the difficulty was not created by the Applicants; that he has explored other homes to possibly build on the Property; that he tried to find a proposed dwelling that would fit with the character of the neighborhood; that there are townhouses nearby which are 26 feet wide; that neighboring homes are two stories tall; that the proposed dwelling will be two stories tall; that the Property is located in a flood zone per the Army Corps of Engineers; that the proposed dwelling must be on pilings to comply with the flood zone requirements; that two (2) parking spaces will be provided on the

Property; that the proposed two (2) story dwelling will be 1,500 square feet in size; that the proposed dwelling will be 27 feet wide; and that the existing shed will be removed.

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

Mr. Mills moved to approve Variance Application No. 11863 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The narrow width 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 variances will not be 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. Hudson, and carried unanimously that the variances be **granted for the reasons stated**. Motion carried 5 – 0.

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

ADDITIONAL BUSINESS

Case No. 11273 – Zerby, LLC – seeks a variance from the front yard setback for a through lot (Section 115-77.1B(2) of the Sussex County Zoning Code). The property is located on the southeast corner of the intersection of Rehoboth Avenue Extended and Route 1. 911 Address: None Available. Zoning District: C-1. Tax Map No.: 3-34-13.19-84.00, 85.00, & 86.00.

REQUEST FOR A TIME EXTENSION

Mr. Lank presented the case and read a letter from the Applicant requesting a six (6) month time extension.

Mr. James Fuqua, Jr., Esquire, was present on behalf of the Applicant and stated that the Applicant received Preliminary Site Plan Approval on April 2, 2016 and Final Site Plan Approval on July 14, 2016 from the Planning and Zoning Commission; that the building plans are being finalized and the Applicant plans to obtain the building permit in the next month; and that construction is planned to begin in November.

Motion by Mr. Mills, seconded by Mr. Rickard, and carried unanimously that the request for a time extension be **granted for a period of six (6) months**. 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. 11677 – BAR-SGR, LLC, Cellco Partnership d/b/a Verizon Wireless – seeks a special use exception to place a telecommunication tower (Section 115-23C(17) and 115-194.2A of the Sussex County Zoning Ordinance). The property is located on the northwest corner of Zoar Road and Lawson Road. 911 Address: 24296 Lawson Road, Georgetown. Zoning District: AR-1. Tax Map No.: 2-34-15.00-10.00.

REQUEST FOR A TIME EXTENSION

Mr. Lank presented the case and read a letter from the Applicant requesting a one (1) year time extension.

John Tracey, Esquire, was present on behalf of the Applicant and stated that construction has not begun and an eighteen (18) month time extension would allow the Applicant sufficient time to complete the project.

Motion by Mr. Rickard, seconded by Mr. Mills, and carried unanimously that the request for a time extension be **granted for a period of eighteen (18) months**. Motion carried 5 – 0.

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

Case No. 11678 – Gumboro Volunteer Fire Co. Inc., Cellco Partnership d/b/a Verizon Wireless – seeks a special use exception to place a telecommunication tower (Section 115-194.2A of the Sussex County Zoning Ordinance). The property is located on the southwest corner of Millsboro Highway and Shell Station Road. 911 Address: 37030 Millsboro Highway, Millsboro. Zoning District: C-1. Tax Map No.: 3-33-11.00-23.00.

REQUEST FOR A TIME EXTENSION

Mr. Lank presented the case and read a letter from the Applicant requesting a one (1) year time extension.

John Tracey, Esquire, was present on behalf of the Applicant and stated that construction has not begun and an eighteen (18) month time extension would allow the Applicant sufficient time to complete the project.

Motion by Mr. Rickard, seconded by Mr. Hudson, and carried unanimously that the request for a time extension be **granted for a period of eighteen (18) months**. 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.

Meeting Adjourned 9:05 p.m.