

MINUTES OF OCTOBER 18, 2021

The regular meeting of the Sussex County Board of Adjustment was held on Monday, October 18, 2021, 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. John Williamson, and Mr. Jordan Warfel. Also, in attendance were Mr. James Sharp, Esquire – Assistant County Attorney, and staff members Ms. Jennifer Norwood – Planning and Zoning Manager, and Ms. Ann Lepore – 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; Mr. Warfel – yea, Mr. Williamson – yea, Mr. Hastings – yea, Dr. Carson – yea, and Mr. Chorman - yea.

Motion by Mr. Warfel, seconded by Dr. Carson and carried unanimously to approve the Minutes for the August 2, 2021, meeting. Motion carried 5– 0.

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

Motion by Mr. Hastings, seconded by Dr. Carson and carried to approve the Findings of Facts for the August 2, 2021, meeting. Motion carried 5 – 0.

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

Motion by Mr. Warfel, seconded by Mr. Chorman and carried unanimously to approve the Minutes for the August 16, 2021, meeting. Motion carried 5– 0.

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

Motion by Mr. Chorman, seconded by Mr. Warfel and carried to approve the Findings of Facts for the August 16, 2021, meeting. Motion carried 5 – 0.

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

OLD BUSINESS

Case No. 12599 – Matthew & Jacquelyn Rhinehart seek variances from the front yard, corner front yard, side yard, and rear yard setback requirements for proposed and existing structures (Sections 115-82, 115-182, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the northeast side of Hebron Road at the intersection of Hebron Road and Harmon Street. 911 Address: 19875 Hebron Road, Rehoboth Beach. Zoning District: C-1. Tax Parcel: 334-13.19-77.00

Ms. Norwood stated that the Applicants have filed a request for variances and that staff has calculated the variances needed which was shown a sheet circulated to the Board. Those variances are as follows:

1. 1.9 feet from the 5 feet side yard setback requirement on the south side for an existing dwelling;
2. 5 feet from the 5 feet side yard on the south side for an existing boardwalk and a proposed outdoor shower;
3. 4.4 feet from the 5 feet side yard on the south side for an existing 2nd story deck and steps;
4. 4.2 feet from the 5 feet rear yard for an existing 2nd story deck and steps;
5. 4.0 feet from the 5 feet rear yard for an existing 2nd story deck;
6. 0.7 feet from the 15 feet corner front yard for an existing dwelling;
7. 9.3 feet from the 15 feet corner front yard for an existing second story deck;
8. 11.1 feet from the 15 feet corner front yard for an existing dwelling and proposed second story addition;
9. 7.3 feet from the 15 feet corner front yard for an existing boardwalk and front porch;
10. 14.6 feet from the 40 feet front yard for existing and proposed structures; and
11. 21.9 feet from the 40 feet front yard for an existing dwelling, porch, and boardwalk.

Mr. Sharp stated that this case had been left open at the Board's meeting on August 16, 2021, for the limited purpose of allowing the Applicants to submit an updated drawing showing the actual numbers needed and to allow public comment specific to that drawing; that a second hearing was held at the last meeting and the hearing was closed thereafter; that the Board wanted the Planning & Zoning staff to come up with the actual numbers for the variances needed; that, based on the calculations that Ms. Norwood has prepared, there are variances needed for the various structures; and that Dr. Carson and Mr. Chorman were not present at the last meeting.

Mr. Chorman stated that he has reviewed the video of the last meeting and is prepared to vote on this case.

Dr. Carson stated that he was unable to review the video and will recuse himself from voting

on this case.

The Board members discussed the case. Mr. Warfel stated that the Applicants agreed to remove the request for a variance for an outdoor shower.

Mr. Hastings moved to approve Case No. 12599, pending final written decision, for the requested variances excluding the variance for the outdoor shower for the following reasons:

1. The exceptional practical difficulty has not been created by the Applicants; and
2. The variances represent the minimum variances necessary to afford relief and represent the least modifications of the regulations at issue.

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

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

PUBLIC HEARINGS

Case No. 12613 – Lowell F. Scott, Jr. seeks a variance from the side yard setback requirement for an existing structure (Sections 115-34, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the east side of Josephine Street within the Silver Lake Manor Subdivision. 911 Address: 38398 Josephine Street, Rehoboth Beach. Zoning District: MR. Tax Parcel: 334-20.09-137.00

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 mail return. The Applicant is requesting 1.9 ft. variance from the required 10 ft. side yard setback on the northeast side for an existing swimming pool.

Dr. Lowell F. Scott, M.D., was sworn in to give testimony about his Application.

Dr. Scott submitted pictures to the Board members.

Dr. Scott testified that the original design for this property included a pool; that the pool is rectangular but located in two triangular areas of the property; that, when the pool was set up, the groundwater was too high; that the pool was surrounded in concrete and kept away from the house for safety reasons; that he pushed the pool too close to the property line; that the property is basically made up of three triangles and two of the triangles meet at a point 27.1 feet away from the house; that, when he tried to put the pool in this triangular area, it became too close to the property line; that

wherever the pool would be placed in the rear yard would create the need for a variance; that the patio is approximately 18 inches above ground level; that the ground will be built up so that the patio will be lower than 6 inches; that the rear yard slopes; that the patio is even; that there is a higher grade in the northeast corner; that the pool was permitted; that there is a retaining wall in the corner; that there is no open access to the pool; that the fence surrounds the yard with a gate by the garage; that the pool was installed during the months of March and April; that the Applicant depended on his contractor, Pools and Spas Unlimited, to comply with code requirements; that the property is served by public water and sewer; that there have been no complaints regarding the pool; that the dwelling was built by the Applicant; that the original design of the pool was expected to comply but the pool size was extended by one foot for aesthetics; that a neighbor thinks that the pool will cause flooding; and that attempts have been made to alleviate the flooding issue.

Mr. Sharp stated that a patio that is under 6 inches from ground level would not need a variance but anything above 6 inches would need a variance.

Ms. Norwood stated that a pool only needs to be setback 6 feet from the rear yard property line.

Mr. Edward Gross was sworn in to give testimony in opposition to the Application.

Mr. Gross submitted exhibits to Board members.

Mr. Gross testified that he owns the adjacent property to Mr. Scott; that he and his wife have owned that property for over 30 years; that his wife has passed away; that he now shares the home with his fiancée; that they have 7 grandchildren who visit regularly; that he opposes the variance request with sadness as he and the Applicant were friends; that he winters in Florida; that, when he returned, construction had begun on a pool that was larger than what he had been told; that this pool has caused flooding on his property; that he had a French drain installed and it was handling the flooding prior to the construction of the pool; that the addition of the patio has increased the flooding; that he believes the retaining wall will collapse as it is already moving; that he allowed access to the subject property through his property; that he contacted the Applicant to ask if he was meeting setbacks and was assured that the pool was meeting the setbacks; that there is a permit for an in-ground pool and a 1,000 sf. patio; that the completed patio is 32 inches high and consists of approximately 1,700 sf.; that the elevated decking and pool has also created a noise nuisance; that the Applicant has a large speaker system outside his house; that the Applicant holds lots of parties and used shuttle buses to his home; that this affects the enjoyment of value of his property; that he would have no issue if the Applicant complied with the Code; that the property is not unique; that the exceptional practical difficulty was created by the Applicant; that a lot of water has come off the property; and that he believes the patio does not comply with setbacks either.

Ms. Norwood stated that the patio on the permit was 1,000 square feet.

Dr. Scott testified that efforts have been made to alleviate the flooding and any water from the pool will be emitted to the subject property; that there is a drain on the other side of the pool; that the retaining wall was constructed with railroad ties with gravel and dirt underneath; that he is not aware of any issues with the retaining wall; that fill will be brought in to get the patio to 6 inches; that, due to the retaining wall, no moisture should leave his lot; and that the northeast corner of the lot also floods.

Ms. Norwood stated that the northeast corner of the patio is 2 feet from the side property line and will need a 3 foot variance unless fill dirt is brought in.

The Board found that one person appeared in support of and one person appeared in opposition to the Application.

Mr. Williamson closed the public hearing.

Mr. Warfel moved to deny Case No. 12613, pending final written decision, for the variance as, although the property has a unique shape, the Applicant has failed to demonstrate that the property cannot be developed in strict conformity with the Sussex County Zoning Code; that the property could be developed in strict conformity with the Sussex County Code; that the exceptional practical difficulty is being created by the Applicant; that granting the variance would substantially impair the appropriate use and development of the adjacent property; and there is no minimum variance as the Applicant does not need relief.

Motion by Mr. Warfel, seconded by Mr. Hastings, carried that the **variance be denied**. Motion carried 3 – 2.

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

Case No. 12614 – Robert Brant seeks variances from the front yard setback requirements for proposed and existing structures (Sections 115-25, 115-182, and 115-185 of the Sussex County Zoning Code). The property is located on the west side of Kent Road within the Indian River Acres Subdivision. 911 Address: 30187 Kent Road, Dagsboro. Zoning District: AR-1. Tax Parcel: 134-7.00-21.00

Ms. Norwood 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 one mail return. The Applicant is requesting a 10.6 ft. variance for an existing dwelling and steps and a 15.5 ft. variance for a proposed covered porch from the required 30 ft. front yard setback.

Mr. Robert Brant was sworn in to give testimony about his Application.

Mr. Brant testified that he and his wife have owned the property for four years; that the home will be their retirement home; that the home is a small bungalow that he wishes to elevate; that the property is prone to flooding; that the crawl space has flooded; that the two adjacent neighbors support the request for a variance; that the house will be elevated one story; that the house is non-conforming as it exists; that the house was built 57 years ago; that the footprint of the house will remain the same; that the steps for the front entrance will extend approximately 7 ft. in front of the house and will require a 5 ft. variance; that this is the minimum needed to access the house; that there is no room to put steps on the south side of the house; that all other improvements will be located within the building envelope; that the variances will not alter the essential character of the neighborhood as the request is similar to the other properties; that other homes have a varying distance from the road; that there is approximately 5 ft. between the edge of paving and the property line; that there is a water mark of 1 foot on the shed; that the neighbor to the south had his house flood and that house is now raised; that the current flood pain is at the edge of the house; that the porch would be 1 ft. deeper than the existing porch; that 5 ft. is the minimum variance to allow two people to be able to pass each other on the porch; that the stairs cannot be moved as it would block the access to the garage; that the steps will not project farther than the house; that the house cannot be moved to the rear yard due to flooding; that the garage will be located under the house; that there is no homeowners association; and that the site is served by public water and a septic system to the south side of the lot.

Mr. Williamson noted that he is familiar with the area and that it floods.

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. 12614, pending final written decision, for the requested variances for the following reasons:

1. The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property.
2. The variances represent the minimum variances necessary to afford relief and represent the least modifications of the regulation at issue.

Motion by Mr. Hastings, seconded by Dr. Carson, carried unanimously that the **variances be approved for the reasons stated.** Motion carried 5 – 0.

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

Case No. 12615 – Michelle & William Flowers seek a variance from the rear yard setback requirement for a proposed structure (Sections 115-25 and 115-183 of the Sussex County Zoning Code). The property is located on the northeast side of Mulberry Knoll Road at the intersection of

Mulberry Knoll Road and East Sands Street. 911 Address: 20667 Mulberry Knoll Road, Lewes.
Zoning District: AR-1. Tax Parcel: 334-18.00-56.00

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received six letters in support of and none in opposition to the Application and zero mail returns. The Applicant is requesting 3 ft. variance from the required 20 ft. rear yard setback for a proposed sunroom and deck.

Ms. Michelle Flowers was sworn in to give testimony about her Application.

Ms. Flowers testified that she and her husband will be moving to this property when they retire in approximately two years; that the dwelling consists of 1,200 square feet; that they wish to expand the home to create more living space by building a sunroom and deck at the rear of the house; that this is the only location to place a sunroom off the house; that the property is served by well and septic; that the septic is on the south side of the lot and limits where the addition can be constructed; that, if the room was built in compliance with the Code, it would not be conducive to their uses; that the sliding glass door off the kitchen will enter onto the screen porch; that the proposed porch would add 300 square feet making the living space for the entire house 1,500 square feet; that there is also a dryer vent that prevents moving the sunroom to another area on the property; that the dryer vent is located to the rear of the house in the area where the deck will be located; that the existing living room is small and the living space in the house is limited; that there is an existing deck that is rotted and is to be removed; that there are woods between the dwelling on the property to the rear; that homeowner association approval is not required; that the steps from the sunroom will be within the building envelope; that neighbors have an enclosed porch; and that neighbors support this request.

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. 12615, pending final written decision, for the requested variances for the following reasons:

1. The requested variance will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property.
2. The variance represents the minimum variance necessary to afford relief.

Motion by Dr. Carson, seconded by Mr. Warfel, carried that the **variance be approved for the reasons stated**. Motion carried 4 – 1.

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

Case No. 12616 – Victor N. & Peggy Morgan seek a variance from the side yard setback requirement for a proposed structure (Sections 115-34 and 115-183 of the Sussex County Zoning Code). The property is located at the intersection of Sand Dollar Lane and Salty Way Drive within the Keenwick West Subdivision. 911 Address: N/A. Zoning District: MR. Tax Parcel: 533-12.19-14.00

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 mail return. The Applicant is requesting a 1.3 ft. variance from the required 10 ft. side yard setback on the west side for a proposed dwelling.

Mr. Victor Morgan was sworn in to give testimony about his Application. Mr. Morgan submitted exhibits for the Board to review.

Mr. Morgan testified that he is requesting a 1.3 ft. variance for the proposed dwelling which will be 49 ft. wide; that the property has an odd shape; that it would be less than 12 sf. of property for the encroachment; that the property is narrow in the front; that most of the houses in the neighborhood are approximately 30 feet from the front property lines and the proposed house would be consistent with that setback; that, if the house was moved back on the property, it would be farther from the road than neighboring houses and would alter the essential character of the neighborhood; that moving the house back would reduce the rear yard; that he has plans to place a pool in the rear yard; that this is the house design that suits their family needs; that the dwelling will be a story and a half; that there will be 2,600 sf of living space; that he has owned the property for approximately one year; that other houses in the neighborhood are wider; that a garage and 2 porches will also be built within the building box shown on the survey; and that there will be a first floor bedroom.

Ms. Peggy Morgan was sworn in to give testimony about her Application.

Ms. Morgan testified that an additional 1st floor bedroom is needed for her 90-year-old mother who lives with them.

Mr. Morgan testified that the steps will encroach 5 feet; that, if the house complied with the front yard setback requirement, it would have to be pushed back 17 feet; that a neighbor told him there was flooding in the rear yard of the neighbor's lot during Hurricane Sandy; that the HVAC will comply with setbacks; that HOA approval has been applied for and the HOA is waiting on a decision from this variance hearing; that there is approximately 12 – 15 ft. between the edge of paving and the property line; and that the water drains from Route 54 into the lagoon behind the house

Mr. Dean Pantellere was sworn in to give testimony in opposition to the Application.

Mr. Pantellere testified that the lots in the community are large lots; that he lives in the neighborhood; that the house could be angled slightly to eliminate the need for a variance; that the

lots in this development are wider; that he has not had any flooding on his property; and that he is in opposition to this request.

Mr. Sharp stated that, if the house was angled, then it would create a need for a variance on the corner front side

Mr. Pantellere said he understood that and still objected to the request.

Ms. Pam Smith and Mr. Dave Smith were sworn in by teleconference to testify in support of the Application.

Mr. Smith testified that he lives at 37190 Sand Dollar Lane adjacent to the subject property; that he and his wife support the request for a variance; that they experienced flooding on their property during Hurricane Sandy; that they do not support moving the house towards the rear of the lot as it will block their views; and that the variance is a minimal request.

The Board found that two persons appeared in support of and one person appeared in opposition to the Application.

Mr. Williamson closed the public hearing.

Mr. Warfel moved to deny Case No. 12616, pending final written decision, for the variance for the following reasons:

1. The property does not have physical conditions which create an exceptional practical difficulty;
2. The property can be developed in strict conformity with the Sussex Zoning Code; and
3. The variance is not necessary to afford relief.

Motion by Mr. Warfel, seconded by Mr. Chorman, carried that the **variance be denied**. Motion carried 4 – 1.

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

Case No. 12617 – James C. Van Wagoner seeks a variance from the side yard setback requirement for a proposed structure (Sections 115-34, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located on the east side of Salty Way East within the Keenwick West Subdivision. 911 Address: 37792 Salty Way East, Selbyville. Zoning District: MR. Tax Parcel: 533-19.07-41.00

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received 35 letters in support of and none in opposition to the Application and zero mail returns. Ms. Norwood

noted that HOA approval was included with the Application. The Applicant is requesting a variance of 5 ft. from the required 10 ft. side yard setback on the north side for a proposed garage.

Mr. James Van Wagoner was sworn in to give testimony about his Application.

Mr. Van Wagoner testified that he is a new homeowner to this neighborhood; that he proposes to build an attached garage primarily for boat storage; that he has support of 35 neighbors; that one neighbor opposes the request; that the garage will measure 16.5 feet wide; that he could make a narrower garage work; that the garage will not be used to park a car; that he has approval from the homeowners association; that there could be a narrower structure to just store the boat but the request for the additional 5 ft. is for additional storage for kayaks, crab traps, bicycles, etc.; that he intends to back his boat to the garage; that there will be no steps to the garage; that immediate neighbors support the request; that he is not aware of any flooding problems on the property; that he can fit the garage within the building envelope but he would not be able to fit all of the items he intends to store in the garage; that there is no boat lift or access to the rear yard; that the property is served by public water and sewer; that this is a wooded lot; that approximately 10 trees have been removed and more trees would have to be removed to build a garage in the front of the house; that he did not explore another location for the garage; and that the existing shed will remain on the property.

The Board found the Mr. Dean Pantellere, who was previously sworn in, gave testimony in opposition to the Application.

Mr. Pantellere testified that Keenwick West has large properties and is not crowded; that the Applicant's boat is approximately 8.5 ft. wide and does not require a 16 ft. wide garage to store the boat and equipment; that there is a storage facility near this development; that the Applicant could meet the setbacks and a variance is not necessary; that this should not have been approved by the HOA; and that the Applicant would not have to remove 20 trees to build a garage in the front yard.

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

The Board discussed the survey from June 1976, which shows that the property may qualify for reduced setbacks under the small lot ordinance.

Ms. Norwood stated that the Sussex County online mapping system shows the property as consisting of 10,123 square feet; and that the Board approved other variances in 2012 and 2015 in the area.

Mr. Sharp asked the Applicant if he could obtain a more recent survey to verify the dimensions of the property.

Mr. Van Wagoner testified that he thought the lot measured 125 feet by 75 feet and that he

purchased the lot in 2021. He agreed to obtain an updated survey.

Ms. Norwood noted that the deed also refers to the property being 75 ft. by 125 ft. which would be under 10,000 square feet and would qualify the lot for the small lot ordinance.

Mr. Sharp explained to the Applicant that, if the property is under 10,000 square feet, then a variance would not be necessary as the side yard setback requirement would be 5 ft. and not 10 ft.

Mr. Chorman moved to leave the record open for Case No. 12617 until the Board of Adjustment meeting on December 20, 2021, for the limited purpose of allowing the Applicant to submit an updated survey or title documents to evidence the dimensions of the lot by December 15, 2021, and to allow public comments specific on these specific documents.

Motion by Mr. Chorman, seconded by Dr. Carson, carried to leave the record open until December 20, 2021, for the limited purposes and for the reasons stated. Motion carried 5 – 0.

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

Case No. 12618 – John Dewey seeks variances from the side yard setback and rear yard setback requirements for a proposed swimming pool and pool equipment (Sections 115-34, 115-181, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located on the north side of Salisbury Street at the intersection of Salisbury Street and Dodd Avenue within the Seabreeze Subdivision. 911 Address: 301 Salisbury Street, Rehoboth Beach. Zoning District: MR. Tax Parcel: 334-20.13-168.00

Ms. Norwood 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. Ms. Norwood noted that HOA approval was included with the Application. The Applicant is requesting 5.1 ft. variance from the required 10 ft. side yard setback on the west side for a proposed swimming pool.

Mr. John Dewey and Mr. Rob McCubbin were sworn in to give testimony about the Application.

Mr. Dewey testified that he has owned the property for over 30 years; that the unusual shape of the lot has created the difficulty; that he worked with several contractors and all noted the need for a variance; that this is the only area on the property to place a pool; that there are numerous pools in the Seabreeze neighborhood; that the neighbors support the request for a variance; that HOA has approved the request; that the house was already built when he purchased the property; that the house was built in 1975 by a prior owner; that the property is served by public water and sewer; that there are 30 pools in the neighborhood; and that the pool equipment will meet the setbacks

Mr. McCubbin testified that the pool is a small pool measuring 350 square feet and 14.8 wide at its widest point; that the pool will be 30.4 feet long; that there will be a paver patio consisting of 450 square feet installed around the pool; that the property is a small, corner lot; that the house is located towards the rear of the property; that the side yard is the only area to place a pool; that they explored other options; and that the pool will be at ground level.

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. 12618, pending final written decision, for the requested variance for the following reasons:

1. The property is unique;
2. The variance will not alter the essential character of the neighborhood; and
3. The variance represents the minimum variance necessary to afford relief.

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

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

ADDITIONAL BUSINESS

There was no additional business.

Meeting adjourned at 8:41 p.m.