

MINUTES OF OCTOBER 6, 2025

The regular meeting of the Sussex County Board of Adjustment was held on Monday, October 6, 2025, 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 John Williamson presiding. The Board members present were Mr. Shawn Lovenguth, Dr. Lauren Hitchens, Mr. Nathan Kingree, and Mr. John Williamson. Also, in attendance were Mr. James Sharp, Esquire – Assistant County Attorney, and staff members Ms. Jennifer Norwood – Planning and Zoning Manager and Ms. Ann Lepore – Recording Secretary.

The Pledge of Allegiance was led by Mr. Williamson.

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

The vote by roll call: Dr. Hitchens – yea, Mr. Lovenguth – yea, Mr. Kingree – yea and Mr. Williamson – yea

Motion by Mr. Lovenguth, seconded by Mr. Kingree and carried unanimously to approve the Minutes for the July 21, 2025, meeting. Motion carried 4 – 0.

The vote by roll call: Dr. Hitchens – yea, Mr. Kingree – yea, Mr. Lovenguth – yea, and Mr. Williamson – yea.

Motion by Mr. Lovenguth seconded by Dr. Hitchens and carried to approve the Findings of Facts for the July 21, 2025, meeting. Motion carried 4 – 0.

The vote by roll call: Mr. Kingree – yea, Dr. Hitchens – yea, Mr. Lovenguth – yea, and Mr. Williamson – yea

Motion by Mr. Kingree, seconded by Mr. Lovenguth and carried unanimously to approve the Minutes for the August 4, 2025, meeting. Motion carried 4 – 0.

The vote by roll call: Dr. Hitchens – yea, Mr. Lovenguth – yea, Mr. Kingree – yea, and Mr. Williamson – yea.

Motion by Mr. Kingree seconded by Mr. Lovenguth and carried to approve the Findings of Facts for the August 4, 2025, meeting. Motion carried 4 – 0.

The vote by roll call: Dr. Hitchens – yea, Mr. Lovenguth – yea, Mr. Kingree – yea, and Mr. Williamson – yea

PUBLIC HEARINGS

Case No. 13115 – Douglas and Tamara Clark seek variances from the side yard setback requirements for a proposed structures (Section 115-82, 115-76 and 115-182(B) of the Sussex County Zoning Code). The property is located on the north side of Lighthouse Road. 911 Address: 32113 Lighthouse Road, Selbyville. Zoning District: C-1. Tax Map: 533-17.00-83.00

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received zero letters of support, zero letters of opposition, and zero mail returns.

The Applicants are requesting the following variances:

- A 1.5 ft. variance from the 20 ft. side yard setback requirement on the east side for a proposed storage building.
- A 10 ft. variance from the 20 ft. side yard setback requirement on the east side for a proposed storage building

Tim Willard, Esq., presented the Application on behalf of the Applicants.

Mr. Willard stated that he is representing the Applicants who are seeking variances for their storage business, B&C Clark, LLC; that the property consists of approximately 3.79 acres in size but is oddly shaped like a trapezoid; that the property is zoned C-1 and is located in a developing district under the comprehensive plan; that the site had received a previous variance in 2013 (Case No. 11224 Lighthouse Self Storage) for a forty (40) foot variance from the sixty (60) foot front yard setback for four (4) storage buildings; that, in 2021, the Applicants combined parcels to allow for more storage buildings with no need for variances; that the proposed building in the side yard will measure 10 ft. wide by 160 ft. long with units ranging from 10' x 5' to 10' x 10'; that another new storage building is proposed to be located in the rear yard; that there is demand for storage units; that the rear building will be used for the storage of antique cars; that the property is zoned C-1 (General Commercial) and, being that it is next to a residential property, the setback is increased to 20 feet rather than 10 feet; that there is plenty of parking on the property; that the property adjacent to the side yard is highly vegetated; that the property is unique; that the property has already been through the variance process and cannot be developed otherwise; that the variances will not alter the essential character of the neighborhood; that the Board of Adjustment agreed in the past variance that this use will not alter the character of the neighborhood so, by adding an additional unit to the east with less of a request, should not alter the character; and that the variances requested are the minimum variances necessary to afford relief.

Douglas Clark and Tamara Clark were sworn in to give testimony about the Application.

Ms. Clark affirmed the statements made by Mr. Willard as true and correct.

Ms. Clark testified that they have owned the business for 23 years and have had no complaints.

Mr. Clark affirmed the statements made by Mr. Willard as true and correct.

Mr. Clark testified that they built a building for office space but it ended up not being used for that purpose and that, because of the change in use, not as much parking is needed; that the fence is to be removed; that the fence will tie in the rear building to the new building; that they looked at a smaller rear building but were concerned about driving ability and access if they moved that building 1.5 feet closer to the center of the lot; and that they have not had contact with neighbors; that they have received compliments about the new building; that the new building will go in place of the current blacktop areas to the east side of the property with the fence lining up with the building and tying into the already existing fencing that is on the property; that the new building will act as a barrier in place of the fence in the rear; and that, someday, there may be plans to put in a gate where the two buildings meet.

Mr. Willard stated that the vegetative buffer along that side is not in their control as it is the neighbor's property and that they cannot establish boundaries due to a language barrier between the two parties; that they have no say over the growth of it and there is approximately 15-20 ft. of vegetation on the neighbor's property with a vegetable garden mixed in; and that, behind the vegetable garden, there are trees that are on the neighbor's property also.

Mr. Sharp stated that the Applicants will need to demonstrate that this is the minimum variance to afford relief and in reviewing the Application the question arises about the need for a building of this size and why the Applicants cannot downsize to make it fit within the setbacks; that, with removing the office space and adding additional storage buildings, the Applicants will be eliminating parking and where will the required parking be located.

Mr. Clark testified that keeping the building the size that it is being proposed for economical reasons; that keeping the cost down in development and, in turn, the rental rates; that, in order to move the building, they would require the stormwater management pipes to be redesigned which will increase the cost of the project; that it is cheaper to ask for the variance on the building rather than relocate it; that, in terms of the parking, that even though the building is reducing the number of spots, the requirement per County Code has changed and now will be based upon the storage facility requirements not office space; that the stormwater system is designed to capture all stormwater on the property and not drain to the tax ditch; and that they could do one less storage bay in the rear yard but the economics are better for 7 bays.

Janice Unitas was sworn in to give testimony in opposition to the Application.

Ms. Unitas testified that she was in opposition to the Application because, as a resident behind this property, she is seeing the Applicants increase the size and development of this property every few years; and that they are encroaching on the neighbors and using the language barrier as an excuse to take over that property line.

Suzann Langrell was sworn in to give testimony in opposition to the Application.

Ms. Langrell testified that she was in opposition to the Application due to the concerns about the neighbors and the encroachment from the Applicants while stating the language barrier as a reason behind it; and that her concern is that the increase in units will bring an increase in new tenants with loud cars since they are advertising that the units will be utilized for storage of antique cars and things like that.

Mr. Willard stated that the neighbors keep to themselves and that it is easier to maintain the area without a fence.

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

Mr. Williamson closed the public hearing.

Mr. Lovenguth moved to deny the application for Case No. 13115 for the requested variances, pending final written decision, for the following reasons:

1. The property does not have unique physical conditions;
2. The Applicants failed to demonstrate that the property cannot be developed in strict conformity with the Sussex County Zoning Code;
3. The variances are not necessary to enable reasonable use of the property;
4. The exceptional practical difficulty is being created by the Applicants;
5. The variances will alter the essential character of the neighborhood and will be detrimental to the public welfare; and
6. The variances sought are not the minimum variances necessary to afford relief.

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

The vote by roll call: Mr. Kingree – yea, Dr. Hitchens – yea, Mr. Lovenguth – yea, and Mr. Williamson – nay

Case No. 13117 – Christopher Moy and Gary Wexler seek a variance for an accessory dwelling unit with a floor area greater than 1,000 sq ft or 50% of the floor area of the single-family dwelling located on the same lot. (Sections 115-20 A(15)(c) and 115-23 of the Sussex County Zoning Code). The property is located on the south side of Stockley Road. 911 Address: 29030 Stockley Road, Milton. Zoning District: AR-1. Tax Map: 234-5.00-96.01

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received two letters of support, zero letters of opposition, and two mail returns.

The Applicants are requesting the following variance:

- A 100 square foot variance from the 1,000 square foot maximum allowable living space requirement for an accessory dwelling unit (“ADU”).

Gary Wexler was sworn in to give testimony about the Application.

Mr. Wexler testified that the Applicants purchased the home two years ago and it is a large home with a large lot to maintain; that the plan is to put in an apartment to rent out to have someone stay in that can help maintain the property or cover the expense of the maintenance of the property; that the ADU measures 28 feet by 48 feet; that the ADU consists of one bedroom; that they applied for an ADU previously but it was denied due to the measurements being wrong and being too large; that the original plan did not include the utility room or walls in the measurement; that they are back today with a new plan that still allows for the ADU to be constructed but with the approval of this variance for the 100 feet over the limit; that, when they constructed the ADU, they measured from the interior walls and not the exterior as required; that they tried to cut out the living room but that led to an awkward floor plan; that, if the Applicants were to change the footprint to make it smaller, they would have a problem with the plumbing and electrical or would have to completely remove walls; that the property is approximately 5.2 acres in size and will provide ample parking for the tenant by extending the driveway to the rear of the home where the entrance would be; that this ADU will be inside of the current home so there is no additional buildings being constructed and the current septic system will be suffice to accommodate the ADU; that the house was built in 2003; that the prior owner constructed additions in 2006; that no additions are proposed with this request; that there is adequate septic capacity to serve the ADU; that they plan to live in the residence full-time; and that the renovation is ongoing.

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

Mr. Williamson closed the public hearing.

Mr. Lovenguth moved to approve the application for Case No. 13117 for the requested variance, pending final written decision, for the following reasons:

1. This variance will not alter the essential character of the neighborhood;
2. The variance will not substantially or permanently impair the appropriate use or development of adjacent property;
3. The variance will not be detrimental to the public welfare;
4. The variance represents the minimum variance necessary to afford relief.

Motion by Mr. Lovenguth, seconded by Mr. Kingree, carried that the **variance be approved for the reasons stated.** Motion carried 4 - 0.

The vote by roll call: Dr. Hitchens – yea, Mr. Kingree – yea, Mr. Lovenguth – yea, and Mr. Williamson – yea

Case No. 13118 – Sandra Palmer seeks variances from the side yard and rear yard setback requirements for an existing structure (Section 115-25 and 115-183(E) of the Sussex County Zoning Code). The property is located on the north side of Breakwater Run. 911 Address: 36747 Breakwater Run, Selbyville. Zoning District: MR. Tax Map: 533-19.00-469.00

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received zero letters of support, one letter of opposition, and zero mail returns.

The Applicant is requesting the following variances:

- A 2.5 ft. variance from the 5 ft. side yard setback requirement on the east side for an existing shed;
- A 3 ft. variance from the 5 ft. side yard setback requirement on the east side for an existing shed; and
- A 3.1 ft. variance from the 15 ft. rear yard setback requirement for an existing shed.

Sandra Palmer was sworn in to give testimony about the Application.

Ms. Palmer testified that this application came about as a result of the replacement of her fence and old shed; that she removed her chain link fence and replaced it with a white vinyl fence and was putting in a new shed and tried to utilize the back of the shed as the barrier so that she could stop the fence prior to it; that her neighbor complained that the placement of the new shed would create runoff to come onto his property and that she would need to move it; that she placed the new shed approximately 2-2.5 feet off her property line but the cement slab was already poured which came right up to the property line; that her homeowners association came through and stated that she could not have the shed placed that close and would need a permit and variance for it to be in compliance with County Code; that, because the new shed is larger than the previous, is why the variance is now required because the old shed was considered to be legally non-conforming; and that she would need a copy of the current application and documents to review as she does not have them with her.

The Board discussed a motion to recess the Application until the end of the agenda to allow the Applicant to review all necessary documents to present her case.

Mr. Lovenguth moved to recess the Application to the end of the agenda to allow the Applicant time to review her information and present her case at the end of the agenda.

Motion by Mr. Lovenguth, seconded by Mr. Kingree, carried that the Applicant will have a recess to review her documents until the end of the agenda. Motion carried 4-0.

The vote by roll call: Dr. Hitchens – yea, Mr. Kingree – yea, Mr. Lovenguth – yea, and Mr. Williamson – yea

After hearing the other applications on the agenda, the Board reconvened the hearing from earlier in the evening.

Ms. Palmer testified that, after reviewing her documents, the application meets the requirements for a variance for the following reasons; that the property is unique; that the well pipe for the dwelling is located right along where the shed is located so it cannot move any farther in due to that pipe; that there is a deck on the other side of her home which blocks the placement there; that there is a large tree in the middle of the yard which limits the placement there and that the gate to enter the yard is in the rear by where the shed was; that the property cannot otherwise be developed; that the deck is on the other side of the home, the placement of the tree in the middle of the yard and the well pipe limits where they can develop; that the exceptional practical difficulty was not created by the Applicant; that the well and the deck and kitchen door were not chosen by them but the builder when the home was originally built; that the variances will not alter essential characteristics of the neighborhood; that the shed is an upgrade from what was there previously and will go along with what others in the neighborhood are doing also; that she is asking for leeway as the shed is 2-3 feet closer to the property line than allowed; that the variance is the minimum variance necessary to afford relief; that the setback variance they are requesting has the least impact as possible being it is as close to the well pipe as it can go and there is nowhere else to place it; and that the rear part of the shed will be used as a fence.

The Board discussed the case with Ms. Palmer and asked about the placement of the new fence, the cement pad that was installed, the concern of runoff onto the neighbor's property, and the items being stored around the shed along the property line.

Ms. Palmer testified that the new fence was placed along the property line, like the chain link fence that was already there, with the exception of the area behind the shed; that, when removing the chain link fence, there were several posts that they could not get out and had to cut them down; that the solution that they came up with was to utilize the back side of the shed as the barrier in place of the fencing; that this was when the homeowners association told them that this was not allowed and that they would need permits and a variance to keep it there; that the cement slab was poured prior to knowing that there was a need for the variance so the slab now extends out to the property line to accommodate the original plans; that the items being stored around the shed have since been moved to the interior of the shed and are no longer visible to the neighbors; that the runoff can be fixed by placing a gutter on the shed to reroute the water; that the property has had issues with flooding for years and it is not all caused by the installment of the concrete slab and the runoff from the shed; that the neighboring property has ruts and is lower so it receives more water than her property; that there is no reason why she could not move the shed to comply with the Code; that the yard floods on the east side near the shed; and that she has not received approval from the homeowners association.

Ms. Suzanne Rosetti was sworn in to give testimony in opposition to the Application.

Ms. Rosetti testified that she is the President of the Keenwick Sound Homeowners Association; that Ms. Palmer was informed by the Association that she would need to bring her plans to the ARC committee for approval and nothing was ever submitted to them; that, on the submission for an ARC approval, there is a whole lot of information around what the codes are and what the specs are, what the setbacks are; that, in May 2024, the shed was up and then the Applicant submitted her request for ARC committee approval after the fact; that, around that same time, the Applicant submitted for a building permit, which she did not have prior to building; that, according to her notes, the Applicant submitted for the building permit in May 2024 and the ARC committee approval was submitted in August; that she submitted the ARC approval request with a letter that was asking for variance; that, at that point in time, they knew that they were out of out of compliance and the ARC committee declined it; that the board decided that they would allow whatever prevailed with the County; that, if the County approved the building permit, then the ARC committee would not block it in any way; that the open permit for the shed was set to expire this year and the HOA gave the Applicant a 90 day period to either bring the shed into compliance or remove it; that the Applicant then informed them that they were applying for the variance through the County and the HOA has decided to hold their decision until the County makes theirs.

Mr. Sharp asked if there were any restrictive covenants through the HOA in regard to setbacks and structures and if flooding has been an issue along these property lines.

Ms. Rosetti testified that the HOA has a five foot setback through the covenants and restrictions and that the entire development sits at sea level so when it rains there is a lot of flooding, but they assess everything after 48 hours and, if there are areas that need attention, they will note it; and that this property is not flooding anymore than others in the development.

Sandy Stone was sworn in to give testimony in opposition to the Application.

Ms. Stone testified that she owns the home next door to the Applicant and has owned it for the last 23 years; that the Applicant has owned her property for 8 years; that her dad has moved back into the home and noted that the Applicant's family was measuring the yard after the removal of the old shed; that her father informed them that they could not place anything along the property lines and that they would need permits and approvals before placing anything new in the yard; that the Applicant spoke with her and she told them that, if the approvals were all received and the shed was in compliance with the County, then there would be no issues; that that conversation occurred over a year ago and now they are trying to get a variance for doing something they were not supposed to do to begin with; that the argument that the property is unique due to the well pipe placement, the deck and the tree is not valid as they have plenty of room to place the shed elsewhere within the yard that would not encroach on the property line; that the deck was added on to by four feet by the Applicant which created their own hardship; that there is room behind the tree in the yard to place the shed and

there is a second gate to gain access to the yard along the other side; that the other neighbors with sheds in the neighborhood are all over five feet away from their property lines; that the rear of the property is adjacent to Route 54; that the property is not unique; that the prior deck measured 8 feet by 10 feet and the new deck is larger as it is 10 feet by 16 feet; that the Applicant has created the exceptional practical difficulty; that neighboring sheds are greater than 5 feet from the property line; and that structures away from the property line is preferred.

Ms. Palmer testified that the issue was her fault; that she has no excuse for the error; that she travels for work; that the project began in May 2024; and that she hired a contractor for the shed but does not know the name of the contractor.

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

Mr. Williamson closed the public hearing.

Mr. Kingree moved to deny the application for Case No. 13118 for the requested variances, pending final written decision, because the Applicant has failed to demonstrate that:

1. The property has unique physical conditions;
2. The exceptional practical difficulty was not being created by the Applicant; and
3. The variances will not alter the essential character of the neighborhood.

Motion by Mr. Kingree, seconded by Mr. Lovenguth, carried that **the variances be denied for the reasons stated**. Motion carried 4 - 0.

The vote by roll call: Dr. Hitchens – yea, Mr. Lovenguth – yea, Mr. Kingree – yea, and Mr. Williamson – yea

Case No. 13119 – Debora Brooke seeks variances from the rear yard and side yard setback requirement for existing structures. (Sections 115-82, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the southwest side of Washington Street. 911 Address: 37490 Washington St., Rehoboth Beach. Zoning District: C-1. Tax Map: 334-13.20-62.00

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received four letters of support, zero letters of opposition, and zero mail returns.

The Applicant is requesting the following variance:

- A 4.4 ft. variance from the 5 ft. side yard setback requirement on the north side for a shed;
- A 4.3 ft. variance from the 5 ft. side yard setback requirement on the north side for an

- existing shed;
- A 2.7 ft. variance from the 5 ft. side yard setback requirement on the south side for an outside shower;
- A 2.7 ft. variance from the 5 ft. rear yard setback requirement for an outside shower;
- A 2.3 ft. variance from the 5 ft. side yard setback requirement on the south side for an existing deck;
- A 0.8 ft. variance from the 5 ft. side yard setback requirement on the south side for an existing shed; and
- A 4.2 ft. variance from the 5 ft. side yard setback requirement on the south side for another outside shower.

Ms. Norwood informed the Board that the front and rear dwellings noted on the plan have existed on the lot since the 1950s, which is all prior to the adoption of the Sussex County Zoning Code, which makes them non-conforming; and that the manufactured home also pre-dates the adoption of the Sussex County Zoning Code.

Debora Brooke was sworn in to give testimony about the Application.

Ms. Brooke testified that she bought the property in 2006 and all of the structures were already in place; that each unit has been on the property since she bought it and each one had a small shed due to lack of storage within the units themselves; that she has since renovated the structures; that a new survey was done after the townhouses were built behind her as her property line is actually within their wall; that, when she came to record the new survey, she was informed that she would need a variance for all of these structures as they are not in compliance with the County Code; that the showers and deck have been on the property since 2006; that the shed measures 4 feet by 6 feet and is needed; that there is a 10 foot tall wall to the rear of the Property which separates the townhouse property; that the deck measures 8 feet by 8 feet; that she lives by herself and occasionally rents the front dwelling; that there is a vinyl fence that goes all around her property and her shed is placed up against the fence line opposite of her neighbors; and that the neighbor paid for a gate to be placed in the fence so that she can have access to one of the outdoor showers at her leisure.

Mr. Sharp asked if the showers were attached to the homes or a separate structure and how long have they been like that.

Ms. Brooke testified that the showers are attached to the homes and have been that way since she purchased them in 2006; that the showers and the decks were all placed by previous owners; and that showers do not have roofs; that the deck is located off the sliding glass door and is used for grilling; and that the prior owner placed the deck.

Mr. Sharp asked about the location of the largest shed and when it was put in.

Ms. Brooke testified that the largest shed was the one she placed on the property and she chose

to place it along the fence line in order to keep the pathways to the units open and accessible; that, if she moved the shed toward the interior of the property, the shed would be blocking the patios; that the shed was placed on the property 4 years ago; that the shed on the south side is attached to the manufactured home and was placed in 2006-7; that she has received no complaints about the structures; and that she can fit 6 cars on the property and between the edge of paving of Washington Street.

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

Mr. Williamson closed the public hearing.

Mr. Kingree moved to approve the application for Case No. 13119 for the requested variances, pending final written decision, for the following reasons:

1. The property has unique physical conditions due to the three houses and the lot's small size
2. There is no possibility that the property can be developed in strict conformity with the Sussex County Zoning Code;
3. The variances are necessary to enable the reasonable use of the property;
4. The exceptional practical difficulty has not been created by the Applicant;
5. The variances will not alter the essential character of the neighborhood;
6. The variances will not substantially impair the appropriate use or development of adjacent property;
7. The variances will not be detrimental to the public welfare;
8. The variances represent the least modifications possible of the regulation at issue; and
9. The variances represent the minimum variances necessary to afford relief.

Motion by Mr. Kingree, seconded by Mr. Lovenguth, carried that **the variances be approved for the reasons stated.** Motion carried 4 - 0.

The vote by roll call: Dr. Hitchens – yea, Mr. Lovenguth – yea, Mr. Kingree – yea and Mr. Williamson – yea

Case No. 13120 – Lance and Melissa Lavelle seek a variance from the maximum fence height within the front yard setback requirement for a proposed structure (Section 115-25 and 115-185 of the Sussex County Zoning Code). The property is located on the southeast side of Cedar Beach Road. 911 Address: 20176 Cedar Beach Road, Milford. Zoning District: AR-1. Tax Parcel: 330-7.00-50.00

Ms. Norwood presented the case and stated that the Office of Planning and Zoning received one letter of support, zero letters of opposition, and zero mail returns.

The Applicants are requesting the following variance:

- A 0.5 ft. variance from the 3.5 ft maximum height requirement for a fence.

Lance Lavelle and Melissa Lavelle were sworn in to give testimony about the Application.

Mr. Lavelle testified that the Applicants purchased the home in July 2024 and wanted to have some farm animals; that the property is zoned AR-1 (Agricultural Residential); that they have started a micro farm and are licensed in Sussex County to sell honey, chicken eggs, duck eggs, and bale eggs; that the fence variance is for a goat enclosure they want to put on the property; that this is the only place that the goat enclosure can go as they are permitted to place a new building on the other part of the property that is open; that the recommendation is to have at least a four foot fence around the goat enclosure to prevent the goats from getting out of the enclosure; that the fence will be electrified; that the fence is to keep the goats and passersby safe; that they are looking to put in livestock fencing of wooden posts with a mesh woven wire; and that the neighbors are in favor of this as they are excited about the idea of the goats and no one has complained about the proposal of the fencing

Ms. Lavelle testified that the neighbors support the request; that the rear yard is wooded; that the bees are located in the rear yard; that goats will eat trees but doing so affects their health; that the fence will be on the front property line; and that there is a 20 foot gap between the front property line and the edge of paving of Cedar Beach Road.

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

Mr. Williamson closed the public hearing.

Dr. Hitchens moved to approve the application for Case No. 13120 for the requested variance, pending final written decision, for the following reasons:

1. The property has unique physical conditions;
2. The goats can jump a shorter fence;
3. There is no possibility that the property can be developed in strict conformity with the Sussex County Zoning Code;
4. The variance is necessary to enable the reasonable use of the property;
5. The exceptional practical difficulty has not been created by the Applicants;
6. The variance will not alter the essential character of the neighborhood;
7. The variance will not substantially impair the appropriate use or development of adjacent property;
8. The variance will not be detrimental to the public welfare;
9. The variance represents the least modification possible of the regulation at issue; and
10. The variance represents the minimum variance necessary to afford relief.

Motion by Dr. Hitchens, seconded by Mr. Kingree, carried that **the variance be approved for the reasons stated**. Motion carried 4 - 0.

The vote by roll call: Mr. Lovenguth – yea, Mr. Kingree – yea Dr. Hitchens – yea, and Mr. Williamson – yea

ADDITIONAL BUSINESS

None.

Meeting adjourned at 8:34 p.m.