

MINUTES OF JULY 1, 2024

The regular meeting of the Sussex County Board of Adjustment was held on Monday, July 1, 2024, at 6:00 p.m. in the County Council Chamber, Sussex County Administration Office Building, Georgetown, Delaware.

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

The Pledge of Allegiance was led by Mr. Chorman.

Motion by Mr. Warfel, seconded by Dr. Carson and carried unanimously to approve the amended agenda to move Case No. 12962 to the end of the agenda since Mr. Williamson will be recusing himself from that application. Motion carried 4 – 0.

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

Motion by Mr. Williamson, seconded by Dr. Carson and carried unanimously to approve the Minutes for the May 6, 2024, meeting. Motion carried 3 – 0.

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

Mr. Warfel did not vote due to his absence at the May 6, 2024, meeting.

Motion by Dr. Carson, seconded by Mr. Williamson and carried to approve the Findings of Facts for the May 6, 2024, meeting. Motion carried 3 – 0.

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

Mr. Warfel did not vote due to his absence at the May 6, 2024, meeting.

ADDITIONAL BUSINESS

Annual Reorganization

Ms. DeVore opened nominations for Board Chairman.

Ms. DeVore called for nominations for Chair.

Mr. Williamson nominated Mr. Chorman for Chair, seconded by Dr. Carson.

There were no other nominations.

Ms. DeVore closed the nominations.

The vote was 4-0 in favor.

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

Ms. DeVore called for nominations for Vice-Chair.

Dr. Carson nominated Mr. Hastings as Vice-Chair, seconded by Mr. Williamson.

There were no other nominations.

Ms. DeVore closed the nominations.

The vote was 4-0 in favor.

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

Mr. Chorman called for nominations for Board Secretary.

Dr. Carson nominated the Director of Planning & Zoning, Assistant Director of Planning and Zoning, or his/her designee as Board secretary, seconded by Mr. Warfel.

There were no other nominations.

The vote was 4-0 in favor.

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

PUBLIC HEARINGS

Case No. 12954 – Jim and Michelle Lattanzi seek a variance from the front yard setback requirement and separation distance requirements for proposed structures (Section 115-25 and 115-172 of the Sussex County Zoning Code). The property is located South of Harbor Road within the Malone’s Bayside Manufactured Home Park. 911 Address: 21 Harbor Road, Millsboro.

Zoning District: AR-1. Tax Parcel: 234-25.00-6.00-42880 Lot 27

Ms. DeVore presented the case and stated that the Office of Planning and Zoning received one (1) letter in support of the Application, zero letters in opposition of the Application and one (1) mail return. The Applicants are requesting a 10 foot variance from the 20 foot separation distance requirement between the proposed manufactured home and the existing manufactured home on Lot 8, a 5 foot variance from the 5 foot front yard setback requirement for a proposed manufactured home, a 3 foot variance from the 20 foot separation distance requirement between the proposed manufactured home and the existing manufactured home on Lot 26, a 4 foot variance from the 5 foot side yard setback for a proposed landing and steps, and a 4 foot variance from the 20 foot separation distance requirements for a proposed landing and steps from the existing manufactured home on Lot 26.

Mr. Jim Lattanzi was sworn in to give testimony for this application.

Mr. Lattanzi testified that he has worked to design the house; that the proposed house will have 3 bedrooms and 1 bathroom; that the house on the neighboring lot has been there for 30 years and is too close to the property line; that the existing house and shed have been removed; that the new house will be in a similar location as the prior dwelling; that he doubts the house will be closer to the road than the prior dwelling; that the proposed house would have the means to accommodate everyone as needed; that the lot shape prohibits building within the setback and separation distance requirements; that he contacted a custom builder who drew custom house plans that would comply with the setback requirements but the cost would be astronomical; that many homes within the community encroach into their building setbacks; that the proposed home would blend in with the community; that the placement of the neighboring homes aid in the separation distance issue at hand; that there are a roughly 6-8 feet between the edge of pavement of Harbor Road and the property line; that there will be steps coming from the edge of the proposed dwelling but they will not encroach any requirements; that the survey of the neighboring property (Lot 8) shows the proposed dwelling in a different location that can be disregarded; that the proposed dwelling would not cause an issue with line of site on Harbor Road; that the proposed dwelling would be about 6-8 feet off the edge of pavement of Harbor Road; that there is public water and sewer on the property; and that the survey shows the corner of the proposed dwelling to be over the property by one (1) foot and that others have done that as well.

Mr. Warfel informed the Applicant that the Board of Adjustment can grant variances but the Board cannot give permission to build over property lines.

Mr. Lattanzi testified that the survey of the neighboring property could potentially show the location of the prior dwelling; that the concept plan shows the effort was made to have a home built that met all setback requirements but the cost was not feasible; that the prior house was closer to the corner of Lot 8 and Lot 26 than what is proposed; that the house will be elevated and is in a flood zone; that the proposed dwelling was tilted closer to the road than to the neighboring home due to the

neighboring home being tilted and maintaining the separation distance; that other placements have been thought of; that the Applicants have paid for roughly eight (8) surveys of the property to find the best solution; that the proposed dwelling will have mini-split HVAC systems; that the proposed dwelling is a manufactured home; and that there is plenty of parking along the road and the community has an overflow parking lot.

Mr. Sharp stated that the Board needs more information; that there is no definite location for steps or a landing; and that, even with the multiple surveys submitted, accurate measurements were not able to be obtained by staff for exact variances needed.

Mr. Lattanzi testified that the proposed dwelling was placed so close to the road to try and maintain the separation distance; and that the Applicants have purchased two (2) homes to place on this lot before, neither of which fit to compliance.

Ms. Danielle Bartman was sworn in to give testimony in opposition of this application.

Ms. Bartman testified that her in-laws reside in 25 Harbor Road which is two (2) homes down from the proposed dwelling; that there was a previous denial for the property for a family friend; that other members of the community may ask for similar things if this application is approved; that the Applicants have not installed the proposed dwelling yet; that the photographs shown in the Applicant's testimony are older photographs; that the community now has a paved road; that there has not been a prior dwelling on the property to her knowledge but there has been a shed; that she was told that the property was not large enough to hold a dwelling; that there has not been a dwelling on the property within the six (6) years that she has been residing in the community; that there are other homes in the community that are close to the road but they have been there for many years and before the road was paved; and that she is unaware of the lot sizes within the community.

The Board found that no one appeared in support of the Application and one (1) person appeared in opposition to the Application.

Mr. Chorman closed the public hearing.

Dr. Carson moved to deny the application Case No. 12954 for the requested variances, pending final written decision, for the following reasons:

1. The exceptional practical difficulty was created by the Applicants.

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

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

Mr. Warfel noted that he believed the Applicants should be able to build on this lot.

Case No. 12958 – Velsuir Ferreira seeks a variance from the maximum lot coverage requirement for a proposed structure (Section 115-172 G(4) of the Sussex County Zoning Code). The property is located South of Prince Street and West of Kings Lane within the Enchanted Acres Manufactured Home Park. 911 Address: 25850 Kings Lane, Millsboro. Zoning District: AR-1. Tax Parcel: 234-23.00-307.01-16835 Lot 45

Ms. DeVore presented the case and stated that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application and three (3) mail returns. The Applicant is seeking a 452.90 square foot variance from the 1,773.10 square foot allowable maximum lot coverage of 35% for a proposed addition and two (2) porches.

Mr. Velsuir Ferreira was sworn in to give testimony for this application.

Mr. Ferreira testified that he needs an interpreter.

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

Mr. Chorman closed the public hearing.

Mr. Warfel moved to leave the record open for Case No. 12958 as follows:

1. The Applicant is in need of an interpreter; and
2. The case be heard at the Board's meeting on July 15, 2024.

Motion by Mr. Warfel, seconded by Dr. Carson, carried that the **variance record be left open for the reasons stated**. Motion carried 4 - 0.

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

Case No. 12960 – Mark Stockard seeks a variance from the side yard setback requirement for a proposed structure (Section 115-42 of the Sussex County Zoning Code). The property is located West of Blue Bill Drive within the Swann Keys Subdivision. 911 Address: 37093 Blue Bill Drive, Selbyville. Zoning District: GR. Tax Parcel: 533-12.16-180.00

Ms. DeVore presented the case and stated that the Office of Planning and Zoning received no correspondence in support or opposition to the Application, and one (1) mail return. The Applicant is seeking a 3 foot variance from the 5 foot side yard setback requirement on the south side for a proposed shed.

Mr. Mark Stockard was sworn in to give testimony for this application.

Mr. Stockard submitted a letter of support from his neighbor to staff.

Mr. Stockard testified that he originally proposed a 10 foot by 12 foot shed but reduced the size to the minimum size needed; that the house is centered on a 50 foot wide lot, leaving roughly 10.5 feet on either side of the house for accessory structures; that the house butts up to the canal thereby eliminating the backyard as a feasible location for the shed; that many of his personal items are stored under his deck at the moment and are deteriorating because of the elements; that the proposed shed would be used to house lawnmowers, beach accessories, and bikes; that the shed will complement the house with the same siding and shingles; that the shed will be a kit; that the survey shows a proposed porch but the survey is from when he purchased the house; that the rear yard floods; that the proposed shed will be roughly six (6) inches from the house; that the roof of the shed will peak towards his house and away from neighboring lands; that the shed would not increase drainage issues for the neighbor; that no approval is needed from Swann Keys; that the proposed shed will be 12 feet by 8 feet; that the shed doors would face Blue Bill Drive; that the shed will be elevated for water to flow under for drainage; that the size of his lot and house are typical for the community; that many others in the community have sheds; that there is no garage on the property; that the house was built prior to the Applicant's ownership; that there is parking on the opposite side of the house; that there is a large tree in front of the proposed location of the shed that requires a kit for a shed to be installed and not a pre-built shed; that there is no opposition from the neighboring property; that there are steps, a fire place, and a sidewalk on the north side of the house; that a more narrow shed would not work for the need; that it is typical for houses to be centered on the lots and the lot sizes are similar; and that closing in under the deck is not an option.

Ms. Barbara Stockard was sworn in to give testimony in support of this application.

Ms. Stockard testified that she and her sister bought the lot with a previous home; that the home was replaced and set by the manufactured home dealer; that the screened-in porch was built on site; that they asked for a 12 foot porch but they did not allow that and built a seven (7) foot porch; that there is 20 years' worth of goods to be stored outside of the home; and that she is in favor of the shed.

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

Mr. Chorman closed the public hearing.

Dr. Carson moved to approve the application for Case No. 12960 for the requested variance, pending final written decision, for the following reasons:

1. The property has unique physical conditions due to the water drainage situation;
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. Williamson, carried that the **variance be approved for the reasons stated**. Motion carried 4-0.

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

Case No. 12961 – Edna and James Turner seek a variance from the side yard setback requirement for a proposed addition (Section 115-25 of the Sussex County Zoning Code). The property is located Southeast of Wilkins Road. 911 Address: 8203 Wilkins Road, Lincoln. Zoning District: AR-1. Tax Parcel: 330-15.00-35.00

Ms. DeVore presented the case and stated that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application, and no mail returns. The Applicants are seeking a 5.6 foot variance from the fifteen (15) feet side yard setback requirement on the southwest side for a proposed addition to the existing home.

Mr. James Turner was sworn in to give testimony for this application.

Mr. Turner testified that he and his wife are requesting the addition to the end of the house for health reasons; that the addition will house a master bathroom and closet off the existing master bedroom for better accessibility; that his wife spoke to the neighboring property with no opposition; that the location of the addition is based upon the layout of the house and existing structures outside; that the addition will allow for a direct access bathroom to accommodate health issues; that the house was placed by the prior owners; that, to place the addition farther away from the bedroom would be impractical; that the addition could not go to the rear of the house due to the HVAC and a deck; that a smaller addition would not fit their needs; and that the addition could not be any narrower due to the accessibility and function of the proposed bathroom addition for handicap purposes.

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

Mr. Chorman closed the public hearing.

Mr. Warfel moved to approve the application for Case No. 12961 for the requested variance, pending final written decision, for the following reasons:

1. The property has unique physical conditions due to the location and layout of the home;

2. That, due to such physical circumstances or conditions, there is no possibility that property can be developed in strict conformity with Sussex County Zoning Code, and the variance is necessary to enable the reasonable use of the property;
3. The exceptional practical difficulty was not created by the Applicants;
4. The variance will not alter the essential character of the neighborhood; and
5. The variance represents the minimum variance necessary to afford relief.

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

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

Case No. 12964 – Jeffrey Meyers and Thomas Resh seek variances from the side and rear yard setback requirements for proposed structures (Section 115-34 of the Sussex County Zoning Code). The property is located West of Gloucester Drive within the Canal Point Subdivision. 911 Address: 41213 Gloucester Drive, Rehoboth Beach. Zoning District: MR-RPC. Tax Parcel: 334-13.00-1510.00

Ms. DeVore presented the case and stated that the Office of Planning and Zoning received one petition with 12 signatures in support of the Application, zero letters in opposition to the Application, and zero mail returns. The Applicants are seeking a 5 foot variance from the 10 foot rear yard setback for a proposed deck, a 3 foot variance from the 10 foot side yard setback requirement on the north side for a proposed landing, a 4 foot variance from the 10 foot side yard setback requirement on the north side for proposed steps and a 3 foot variance from the 10 foot side yard setback requirement on the north side for a proposed deck.

Mr. Thomas Resh sworn in to give testimony for this application.

Mr. Resh testified that he did not know how to get a survey drawn showing proposed structures and measurements; that the Applicants were originally going to do a five (5) foot deck in the rear which would not require a variance; that he is not sure if they will be building the side deck; that there is a discrepancy between first floor and basement; that Planning and Zoning noted that the basement is the first floor, while he thinks the main living area is his first floor; that the lot is pie-shaped and irregular; that the front and south side of the lot is ground level but the north side and rear are sloped; that the basement is a walk-out basement and differs from others in the development; that the rear and side of the property are adjacent to open space used for woodlands; that the proposed structures fit within the HOA architectural requirements; that the property is unique due to the irregular shape and slope of the grade; that, when they built the house, the builder would not allow them to apply for a variance while building, which resulted in a smaller than requested room; that most lots in the community are not level but there are some lots with steeper slopes; that there is no flooding that occurs on the property; that there are 293 lots within the community, roughly 289 of

which developed; that the deck will measure 10 feet deep and will connect to the proposed sunroom; that the deck will be used for outdoor seating; that the existing fireplace sticks out about two (2) feet which takes away from the proposed deck; that, if the deck was built at compliance, the fireplace would take up space and only leave roughly three (3) feet to walk around; that the deck will measure 18.3 feet in width; that he is in need of a deck, whether it is the side or rear deck; that pavers were suggested but the pavers do not have a long life; that the soil is sandy and unstable and a deck would be more suitable; that the house is 12 years old; that there is a significant slope from the front yard to the rear yard; and that the deck to the side was not thought of being any smaller.

Mr. Sharp stated that, if the rear of the property had been built like the front, where it was to grade and did not have a walk out basement, the deck would be able to be 10 feet as proposed, without the need for a variance.

Mr. Resh testified that HOA Architectural Review Committee did not voice any objection to the proposal.

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

Mr. Chorman closed the public hearing.

Mr. Warfel moved to approve the rear yard variance request and to deny the side yard variance requests for Case No. 12964, pending final written decision, for the following reasons:

1. The property has unique physical conditions due to the slope of the lot and the open space on the rear and side of the lot;
2. That, due to such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with Sussex County Zoning Code, and the variance for the rear yard is necessary to enable the reasonable use of the property;
3. The exceptional practical difficulty was not created by the Applicants;
4. The variance from the rear yard will not alter the essential character of the neighborhood; and
5. The variance from the rear yard represents the minimum variance necessary to afford relief.
6. The side yard variances are denied because the Applicants failed to demonstrate that those variances were necessary to enable reasonable use of the property.

Mr. Warfel's motion died for lack of a second.

Mr. Williamson moved to deny the application for Case No. 12964 for the requested variances, pending final written decision, for the following reasons:

1. The exceptional practical difficulty was created by the Applicants;

2. The property does not have unique physical conditions due to the community having homes with similar issues; and
3. That, due to such physical circumstances or conditions, there is a possibility that the property can be developed in strict conformity with Sussex County Zoning Code, and the variances are not necessary to enable the reasonable use of the property.

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

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

Case No. 12962 – Michelle Kinsey seeks variances from the front and corner front yard setback requirements for proposed additions (Section 115-25 of the Sussex County Zoning Code). The property is located South of Lincoln Drive and West of Tyler Avenue within the Cape Windsor Subdivision. 911 Address: 38827 Lincoln Avenue, Selbyville. Zoning District: AR-1. Tax Parcel: 533-20.14-32.00

Ms. DeVore presented the case and stated that the Office of Planning and Zoning received five (5) letters in support of the Application, five (5) letters and a petition with seven (7) signatures in opposition to the Application, and no mail returns. The Applicant is seeking a 7 foot variance from the 15 foot corner front yard setback requirement for a proposed sunroom addition, an 11 foot variance from the 15 foot corner front yard setback requirement for a proposed screen porch addition, a 12.9 foot variance from the 15 foot corner front yard setback requirement for a proposed master bathroom addition, and a 3.4 foot variance from the 5 feet front yard setback requirement for a proposed master bathroom addition.

Mr. Williamson recused himself and left the Council Chambers.

Ms. Michelle Kinsey was sworn in to give testimony for this application. Charles Armbruster, Esquire, appeared on behalf of the Applicant.

Mr. Armbruster stated that the property is located in Cape Windsor; that most lots in the community are 50 feet by 90 feet, while this lot and other end lots are 40 feet by 120 feet; that the lot is very irregularly shaped; that prior variances were granted for the Property; that the Applicant cannot build within strict conformity, due to the irregular building restriction lines; and that there are three proposed structures with five variances needed for a sunroom, screened-in porch and master bathroom; that the sunroom faces Lincoln Avenue; that the porch faces Lincoln Avenue; and that the master bathroom addition faces Tyler Avenue.

Ms. Kinsey testified that the house was purchased in October 2014; that there was a deck on the property when she purchased this house; that the proposed sunroom would double as a home

office and storage; that she plans to retire full-time at the property; that the screened-in porch will be replacing a ramp and the main entrance of the house; that there will be no steps to the porch; that the house has two small bathrooms; that the master bathroom addition will house a master bathroom and walk in closet; that the house currently has two (2) bedrooms with no closets; that there are similar structures build throughout the community; that there is a two-story garage on Taft Avenue; that she met with her architect; and that there is no other way to utilize the property to meet their needs.

Mr. Ambruster stated that the building restriction line creates a situation where the property cannot otherwise be developed; that the proposed additions will not alter the essential character of the neighborhood; that there is an existing shed in the location where the proposed master bathroom will go; and that the shed will be removed and the proposed addition will fill that footprint.

Ms. Kinsey testified that the master bathroom addition will not block the line of sight from a driving standpoint.

Mr. Armbruster stated that the addition will be approximately a half-foot closer to Tyler Avenue than the existing shed.

Ms. Kinsey testified there are concrete driveways along Lincoln Drive; that the HOA has varying setback requirements; that she has felt harassed by neighbors without waterfront access; that no plans have been finalized; that there is a utility pole on the corner of the property which is close to the property and the shed; that the size of the bathroom addition is not much larger than the existing shed; that the homeowners association has approved their plan; that the floor plan submitted by the opposition was a concept plan and not a finalized plan; that the architect produced the floor plan as a draft; that no builder has been retained; that the bathroom addition will be within a foot or two to the telephone pole; that here is a 5 foot setback from Tyler Avenue; that the proposed master bathroom addition is the minimum size needed; and that the biggest problem with the house is the lack of closets.

Mr. Armbruster stated that he believes there is a utility easement which runs along Lincoln Avenue.

Ms. Kinsey testified that the setback off the bulkhead is approved and 5 feet from the County Code; that the boat gets parked at the dock in season and it gets shrink wrapped and stored in the winter; that cars will be parked on the concrete pads; that six cars can fit on the pads; that the house sits on one of the highest points in the neighborhood; that the cars can be parked to the west side of the property and overflow parking lot; that she could park 2 cars on the west side of the lot; that the porch will not have an access point out of the home; that she went through several plans; that the access to the dwelling will be off the addition closest to Tyler Avenue; that the statements made by Mr. Ambruster are true and correct; that her family is growing and more space is needed for visits; that the covered porch will no longer be the main entrance; that the main entrance will be included in the sunroom addition; that smaller sized additions were looked at but would not meet their needs; that the roof line and connecting to the house prohibit the design of the sunroom; that the sunroom will

most likely be one large room to use multiple purposes; that the office will be used for when she works from home; and that there is roughly 18 inches between the property line and the edge of pavement of the adjacent roads.

Mr. Sharp noted that the unpermitted deck in the rear yard cannot be granted a variance at this time as it was not advertised.

Mr. Doug Tenly was sworn in to give testimony in opposition to this application.

Mr. Tenly testified that he is worried about the proposed additions blocking the view of the water from his house across the street; that very little conversation was had about the additions to neighbors; that the setback for the bulkhead is supposed to be 15 feet according to the HOA; that there is 15 feet from the road to the telephone pole; that there are concerns about hitting the bulkheads when digging the footers for the proposed addition; that he is concerned about setbacks and how they keep getting smaller; that the angle of the canal is important; that a neighbor who built on the corner did not block views of other lots due to the angle of the canal; that the angle of this property differs from that property; that Cape Windsor had a 20 foot rear yard setback requirement that was reduced to 15 feet; that there is a 5 foot easement off the roads for utilities; that he does not believe there is a hardship; and that he proposes that the Applicant builds up instead of out.

Mr. Karl Schmidt was sworn in to give testimony in opposition to this application.

Mr. Schmidt testified that he owns property next door to Mr. Tenly; that he has owned his property since 2000 and placed a home on the property in 2001; that views are important to him; that he is worried about the proposed additions blocking the view of the water from his house across the street; that the proposed addition will not leave much room, if any, to park on their property; and that the additions will affect property values in the neighborhood.

Ms. Patricia Schmidt was sworn in to give testimony in opposition to this application.

Ms. Schmidt testified that it floods in that area with bad storms onto her property; that she lives on the other side of Lincoln Drive; and that the proposed additions will block her view of the water.

Ms. Peggy Tenly was sworn in to give testimony in opposition to this application.

Ms. Tenly testified that she purchased her property in 2001; that the proposed additions will block the view of the water from their house; that there is an overflow parking area for the community and its members; that parking is a premium in the neighborhood; that the proposed additions will eliminate parking on the Applicant's property; and that, according to the HOA, you are not permitted to park on or in the street.

Ms. Kinsey testified that she paid a premium for waterfront property and feels that she should be able to utilize her property to fit her needs.

The Board found that no one appeared in support of the Application and four (4) people appeared in opposition to the Application.

Mr. Chorman closed the public hearing.

Mr. Warfel moved to leave the record open with limited purpose for Case No. 12962 until July 15, 2024, to allow staff and Mr. Sharp to investigate the existence of the five (5) foot utility easement.

Motion by Mr. Warfel, seconded by Dr. Carson, carried that the **application record be left open for a limited purpose until July 15, 2024.** Motion carried 3 - 0.

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

ADDITIONAL BUSINESS

Meeting adjourned at 8:55 p.m.