



Board of Adjustment

Agendas & Minutes

MINUTES OF MARCH 21, 2005

The regular meeting of the Sussex County Board of Adjustment was held on Monday evening March 21, 2005, at 7:00 p.m. in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 p.m. with Chairman Callaway presiding. The Board members present were: Mr. Callaway, Mr. McCabe, Mr. Mills, Mr. Workman and Mr. Hudson, with Mr. Berl – Assistant County Attorney, Ms. Hudson – Zoning Inspector II, Mr. Rickard – Secretary to the Board, and Mrs. Norwood – Recording Secretary.

Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously to approve the Revised Agenda as circulated. Vote carried 5 – 0.

Motion by Mr. Hudson, seconded by Mr. McCabe, and carried unanimously to approve the Minutes of March 7, 2005 as circulated. Vote carried 5 – 0.

Mr. Berl read a statement explaining how the Board of Adjustment meeting is conducted and the procedures for hearing the cases.

Case No. 8991 – Thelma Harmon – south of Road 280, 2,860 feet west of Road 285.

A special use exception to place a manufactured home on a medical hardship basis.

Ms. Hudson presented the case. Greg Harmon, Mike McLimans, and Bob Truitt were sworn in and testified requesting a special use exception to place a manufactured home on a medical hardship basis; that his mother is bedridden and needs someone nearby for her care; that Mr. McLimans cares for his mother; that he is disabled and does not work; that a previous hardship was granted on the property for his sister; that his sister now lives in Harrington; that they did not realize the medical hardship approval expired; that his mother lives in one manufactured home; that the second unit is where Mr. McLimans lives; that the third unit is currently on the lot for storage; that they were planning to renovate the unit that is used for storage and replace the unit used by Mr. McLimans; that the campers on the property are not lived in; that the campers were used one night after a party; that there is a fourth unit that is located in the woods and has been on the lot since his grandfather owned the property; that they can obtain a physician's

statement for his mother; and that they have no objection to a stipulation that there only be 2 units on the property.

Robert Johnson was sworn in and testified in opposition to the application and stated that he is concerned that the hearing was for additional units to be placed on the property; that there are numerous units on the property; and that he attended the first hearing.

Minutes
March 21, 2005
Page 2

Ralph Holston, Jr. was sworn in and testified in opposition to the application and stated that the campers were used after a party; that he feels the reason for a second unit is strictly a landlord/tenant situation; that he has no objection to the 2 units on the property; and that he submitted pictures.

By a show of hands 1 party appeared in support of the application.

By a show of hands 2 parties appeared in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the case be **left open for the Applicant to submit a physician's statement for his mother**. Vote carried 5 – 0.

Case No. 8992 – Samuel Slabaugh – north of Road 419, 142 feet west of Road 453.

A variance from the side yard setback requirement for a poultry house.

Ms. Hudson presented the case. Samuel Slabaugh was sworn in and testified requesting a 30-foot variance from the required 50-foot side yard setback requirement for a poultry house; that the proposed poultry house will measure 66' x 500'; that the three existing poultry houses are about 10-years old; that he would like to maintain 45-foot between poultry houses; that there are other poultry farms in the area; that he is waiting on a surveyor to obtain the exact location of the property line; and that the poultry house will meet the 200-foot setback requirement from a neighbors dwelling.

Richard Hearn was sworn in and testified in opposition to the application and stated that his daughter lives adjacent to the property; that he was confused by the exact location of the proposed poultry house; that they would like to see a buffer of Eastern white pine trees; and that he is concerned with water run off.

Helen Church was sworn in and testified in opposition to the application and stated that she owns the adjacent property; that the proposed poultry house will only be 20-foot from her property line; that the existing poultry houses exhaust fans blow dust

directly towards her property now; that she agrees there should be a buffer of trees; and that she does not want any additional poultry houses in the area.

In rebuttal, Samuel Slabaugh, stated that he has had the ditch cleaned out to help with run off in the area; that he has an existing manure shed; that the manure shed will not hold all of the manure generated from the poultry houses; and that the manure is removed from the farm as quickly as possible.

Minutes
March 21, 2005
Page 3

By a show of hands 2 parties appeared in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the case be **left open to allow the Applicant to submit a survey and modify the request to the exact variance that is needed.** Vote carried 5 – 0.

Case No. 8993 – Pulte Home Corporation – northeast of Route One, east of Trawler Landing, being Lot 215 within Bay Crossing Phase I.

A variance from the side yard setback requirement.

Ms. Hudson presented the case. James Rowland was sworn in with Jim Fuqua, Attorney, on behalf of the application, and testified requesting a 7-foot variance from the required 15-foot side yard setback requirement for a covered porch; that the porch is a concrete slab with a roof; that the area will never be enclosed; that a mistake was made when staking out the building; that corrections have been made to prevent any future mistakes; that the encroachment does not effect visibility from the street; that a minimum variance has been requested due to the porch already being constructed; that the encroachment was created by the Applicant, but was not done without any regard for the law; that it cannot be otherwise developed since the porch is already erected; and that it is not inconsistent with the neighborhood.

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

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the case be taken under advisement. Vote carried 5 – 0.

At the conclusion of the public hearings, the Chairman referred back to this case. Motion by Mr. Mills, seconded by Mr. Workman, and carried that the variance be **denied since it does not meet the standards for granting a variance.** Vote carried 4 – 1.

Case No. 8994 – J. A. Moore Construction L.L.C. – northwest of Road 273, northeast of Doolin Lane, being Lot 16 within Kinsale Glen development.

A variance from the side yard setback requirement.

Ms. Hudson presented the case. Chris Clark was sworn in and testified requesting a 0.9-foot variance from the required 10-foot side yard setback requirement for an existing dwelling; that a house placement was done by a surveyor; that the mason made a mistake when laying the foundation; that the dwelling is 25-foot from the neighbors dwelling; that the uniqueness is the dwelling is complete and ready to go to settlement;

Minutes

March 21, 2005

Page 4

that plans have been instituted to prevent a mistake like this from happening again; and that it is the minimum variance needed to afford relief.

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

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the case be taken under advisement. Vote carried 5 – 0.

At the conclusion of the public hearings, the Chairman referred back to this case. Motion by Mr. Hudson, seconded by Mr. Workman, and carried unanimously that the variance be **granted since it is a minimum variance and there have been other variances granted in the development**. Vote carried 5 – 0.

Case No. 8995 – Richard Galloway – southwest of Route One, 290 feet southeast of Dartmouth Drive.

A special use exception to place an off-premise sign.

Ms. Hudson presented the case. Diana Ruggerio was sworn in with Jim Fuqua, Attorney, on behalf of the application, and testified requesting a special use exception to place an off-premise sign; that the temporary sign will measure 120” x 90”; that the sign will be 2-sided; that there is an existing sign on the property; that the proposed sign will replace the existing sign; that the use of the sign will be needed for approximately 3-years; that the sign does not alter the character of the neighborhood; and that they submitted pictures and an aerial.

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

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the special use exception be **granted since it will not adversely affect the substantial use of the neighborhood**. Vote carried 5 – 0.

Case No. 8996 – James and Kathleen Corder – south of Road 277, west of Holly Court, being Lot 5, Block J, Section 2 within Angola By The Bay development.

A variance from the rear yard setback requirement.

Ms. Hudson presented the case. James and Kathleen Corder were sworn in and testified requesting a 14-foot variance from the required 20-foot rear yard setback requirement for a proposed addition; that the proposed addition will measure 12'x 14';

Minutes

March 21, 2005

Page 5

that the addition is needed for additional living space and storage; that they plan to make this location their permanent residence; that the Homeowner's Association is in support of the application; that the lot is undersized; that the property lines were not created by the Applicant; that the property won't otherwise be developed; that there is a common area to the rear of their property; that there is no adverse effect to the neighborhood; and that the request is the minimum variance needed to allow the addition.

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

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to take the case under advisement. Vote carried 5 – 0.

At the conclusion of the public hearings, the Chairman referred back to this case. Motion by Mr. Hudson, seconded by Mr. Mills, and carried unanimously that the case be **tabled until April 4, 2005**. Vote carried 4 – 1.

Case No. 8997 – Keith T. Murray – northwest of Road 341B (Pepper Creek Road), 500 feet north of Road 341.

A variance from the rear yard and side yard setback requirements.

Ms. Hudson presented the case. Keith Murray was sworn in and testified requesting a 5-foot variance from the required 15-foot side yard setback requirement and a 10-foot variance from the required 20-foot rear yard setback requirement for a proposed detached garage; that the existing shed will be removed; that the proposed garage will measure 30'x 42'; that he built the dwelling in 1989; that the lot is unique since the dwelling was built further back on the lot; that although the lot is 7-acres, most of the property is marsh; that the property cannot be otherwise developed due to the location of

the dwelling and the marsh; that the garage will not alter the character of the neighborhood; and that the proposed garage will match the existing dwelling.

Bessie Calhoun was sworn in and testified in opposition to the application and stated that she does not want to remove any of her existing trees; and that she is concerned that if one of her trees falls on his garage she will be held liable.

In rebuttal, Keith Murray, stated that the marsh was not created by him; and that he has plenty of trees on his own property and would have no problem with his neighbors trees remaining as they are.

By a show of hands 1 party appeared in opposition to the application.

Minutes
March 21, 2005
Page 6

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the case be taken under advisement. Vote carried 5 – 0.

At the conclusion of the public hearings, the Chairman referred back to this case. Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the variances be **denied since it does not meet the standards for granting a minimum variance**. Vote carried 5 – 0.

Case No. 8998 – CMF Bayside, LLC – south of Route 54, south of Lakeview Drive, within Americana Bayside MR-RPC.

A special use exception to place a manufactured home type structure as a clubhouse, pro shop and grille.

Ms. Hudson presented the case. Lincoln Davis was sworn in with Jim Fuqua, Attorney, on behalf of the application, and testified requesting a special use exception to place a manufactured home type structure as a clubhouse, pro shop and grille; that they will utilize 2-units; that there will be 1-unit on each side of a deck; that the use will not exceed 5-years; that the units will serve a self contained large development; that the development offers an extensive recreation area; that the units are designed to very practical and appealing to the development; that a permanent structure is scheduled to be complete in 2008; that they used similar units at another development; and that they submitted pictures.

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

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the special use exception be **granted for a period of five (5) years or six (6) months after the Certificate of Compliance is issued on the permanent structure.**

Vote carried 5 – 0.

Case No. 8999 – Bruce R. Hoover – north of Route 54, east of Canvasback Road, being Lot 36, Block D within Swann Keys development.

A variance from the side yard setback requirement.

Ms. Hudson presented the case. Bruce Hoover was sworn in and testified requesting a 1.5-foot variance from the required 5-foot side yard setback requirement and a 2.8-foot variance from the required 10-foot side yard setback requirement for a proposed shed; that the proposed shed will measure 6'x 10'; that the existing shed is in poor shape; that the existing shed will be removed once the proposed shed is complete;

Minutes

March 21, 2005

Page 7

that the proposed shed will be located farther from the water; that the uniqueness of the lot is its narrowness; that there is a variety of sheds in the development; and that there are numerous variances granted in the development.

Ms. Hudson stated that the office received 1 letter in support of the application.

Ms. Hudson stated that the office received 1 letter in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the case be taken under advisement. Vote carried 5 – 0.

At the conclusion of the public hearings, the Chairman referred back to this case. Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously that the variances be **granted**. Vote carried 5 – 0.

The Board recessed for 5-minutes.

Case No. 9000 – Key West Investments, LLC – south of Route One, 750 feet northwest of Road 88.

A special use exception to replace existing billboards, a variance from the maximum allowable square footage for a sign, and a variance from the side yard setback requirement.

Ms. Hudson presented the case. Darlene Matthes was sworn in and testified requesting a special use exception to replace existing billboards, a 600-square-foot variance from the maximum 300-foot square-foot allowable square footage for a

billboard and a 50-foot variance from the required 50-foot side yard setback requirement for a billboard; that they plan to replace the existing billboard with a steel mono-pole structure; that the proposed billboard will be within the same footprint as the existing billboard; that the proposed billboard will be 2-sided; that there will be 1200-square-foot of advertising space; that due to existing building on the property the billboard cannot be relocated to meet the required side yard setback requirement; that the existing billboard was built to have advertising on both sides; and that she submitted pictures.

Nicole Bauer was sworn in and testified in opposition to the application and stated that she is a homeowner in Red Fox Run and is representing the Homeowner's Association; that she feels this is not a commercial area; that the proposed billboard is out of character with the neighborhood; that the existing billboard blends in with the surrounding wooded area; and that she would prefer the existing billboard to remain.

Minutes
March 21, 2005
Page 8

By a show of hands 4 parties appeared in support of or in opposition to the application.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the case be taken under advisement. Vote carried 5 – 0.

At the conclusion of the public hearings, the Chairman referred back to this case. Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the case be **tabled until April 4, 2005**. Vote carried 5 – 0.

Case No. 9001 – James D. and Mary Beth Parker – northwest of Road 305, 415 feet southwest of Layton Avenue, being Lots 1 and 2.

A variance from the minimum lot width requirement for a parcel.

Ms. Hudson presented the case. James Parker was sworn in and testified requesting a 7.01-foot variance from the required 150-foot lot width requirement for a parcel; that the proposed subdivision is more compatible with current zoning requirements; that the existing dwelling is only 3-foot from the property line; that the existing dwelling is run down and the property is overgrown; that DelDOT has approved a combined access to the proposed lots; that the property was previously subdivided by the prior owner; and that he plans to build two new dwellings on the proposed lots.

Alice Betts was sworn in and testified in support of the application and stated that she lives across the road; and that she looks forward to the improvement the Applicant is going to make to the neighborhood.

Norman Betts was sworn in and testified in support of the application and stated that any project the Applicant has taken on has been a major improvement to the neighborhood; and that the previous owners let the property run down.

By a show of hands 2 parties appeared in support of the application.

The Board found that no parties appeared in opposition to the application.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the case be taken under advisement. Vote carried 5 – 0.

At the conclusion of the public hearings, the Chairman referred back to this case. Motion by Mr. McCabe, seconded by Mr. Hudson, and carried that the variance be **granted since it is an enhancement to the County and since the surrounding neighbors support the application.** Vote carried 3 – 2.

Minutes
March 21, 2005
Page 9

Case No. 9002 – Leslie L. Thompson – east of Road 326, 1,050 feet north of Road 318.

A variance from the side yard setback requirement.

Ms. Hudson presented the case. Leslie Thompson was sworn in and testified requesting a 14-foot variance from the required 15-foot side yard setback requirement for a detached garage; that the garage measures 20' x 40'; that the garage was built 3-years ago; that the builder is in Sussex Correctional Institute; that he did not obtain a building permit; that he plans to build a dwelling on the property; that his uncle lives on the adjacent property; and that the garage is used for storage only.

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

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the case be taken under advisement. Vote carried 5 – 0.

At the conclusion of the public hearings, the Chairman referred back to this case. Motion by Mr. Mills, seconded by Mr. Workman, and carried that the variance be **denied since it does not meet the standards for granting a variance.** Vote carried 4 – 0 with Mr. Hudson abstaining.

Case No. 9003 – Janet M. and Garrett Legates, Jr. – east of Route One, 320 feet north of North Carolina Avenue, being Lot 9 within Stones Throw Condominium.

A variance from the rear yard and side yard setback requirements.

Ms. Hudson presented the case. Janet Legates and Brian Sullivan were sworn in with Robert Robertson, Attorney, on behalf of the application, and testified requesting a 1.3-foot variance from the required 10-foot rear yard setback requirement and a 1.9-foot variance from the required 10-foot side yard setback requirement an existing building; that the building was built in 1986; that the Applicant purchased the property in 2000; that a previous survey did not show the encroachment; that a second survey showed the encroachment due to a bump-out on the building; that the bump-out was built the same time as the original building; that most of the buildings in the community have similar bump-outs; that it was not created by the Applicant; that the uniqueness was that no one was aware of the encroachment; that it will not adversely effect the neighborhood; that to remove the bump-out would be costly and effect the interior of the building; and that they submitted pictures.

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

Minutes
March 21, 2005
Page 10

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the variances be **granted since it was not created by the Applicant and due to the unique conditions**. Vote carried 5 – 0.

Case No. 9004 – John and Linda Pitts – south of Road 331, west of 4th Street, being Lots 16 and 18, Block C within Riverview development.

A variance from the minimum lot size requirement to place a manufactured home.

Ms. Hudson stated to the Board that there is split zoning within the development; that the development contains GR and AR-1 Zoning; and that there are numerous manufactured homes in the development both single-wide and double-wide units.

Ms. Hudson presented the case. Linda Pitts was sworn in and testified requesting an 18,270-square-foot variance from the required 32,670-square-foot minimum lot size requirement to place a manufactured home; that the proposed new unit will measure 28'x 60'; that the existing unit burnt down; that the unit will meet all the required setback requirements; that there are a lot of new units being placed in the development; and that the proposed unit is within the character of the neighborhood.

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

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the case be taken under advisement. Vote carried 5 – 0.

At the conclusion of the public hearings, the Chairman referred back to this case. Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the variance be **granted since it does meet the standards for granting a variance**.
Vote carried 5 – 0.

Case No. 9005 – Ismet Bulut – north of Road 270A, west of Shady Ridge Drive, being Lot 29 within Shady Ridge development.

A variance from the front yard setback requirement.

Ms. Hudson presented the case. Nick Techman was sworn in and testified requesting a 10-foot variance from the required 30-foot front yard setback requirement for a proposed dwelling; that the lot is narrow and drops off in the rear yard; that the previous request was granted; that they were not able to begin construction within the year from the Finding of Facts; that the adjacent property was granted a variance; that it is a minimum variance request; and that it is within the character of the neighborhood.

Minutes

March 21, 2005

Page 11

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

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the variance be **granted based on the Finding of Facts from the previous case**.
Vote carried 5 – 0.

OLD BUSINESS

Case No. 8983 – NV Homes – east of Route One, north of Fenwick Island, being Lots 9, 11, 13, and 15, Block AA within Fenwick Shores development.

A variance from the maximum allowable height requirement and a variance from the rear yard and front yard setback requirements.

The Board discussed the case, which has been tabled since March 7, 2005.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the variances be **granted base on the stipulations submitted by the Applicant**,

- 1. The applicant agrees to place a privacy fence on the boundary line (or in the approximate location of the boundary line) between Bahama Mama's and the structure to be built on parcel 17 fronting Coastal Highway, with said privacy fence to continue along the boundary line between the applicant's property and the properties owned by**

Margaret R. Steel, Betsy R. Mitchell, Taylor Dickerson, and Eugene and Joyce Saville.

2. **The applicant withdraws its request for a four foot variance request in #8983 from the ten foot rear yard setback requirement, and for a six foot variance request in #8983 from the ten foot rear yard setback requirement, both being along the boundary line between the subject parcel and the parcels owned by Taylor Dickerson and Bunting Avenue, LLC. In withdrawing those variance requests, the applicant agrees to remove the balconies/porches from the designs for the structures to be built closest to the properties owned by Taylor Dickerson and the Rickards Center Partnership and Fenwick Sea Charm, Inc.**

3. **The opponents hereby withdraw their opposition to the applicant's variance request in #8983 for an eight foot variance from the 42 foot height restriction, so that the applicant may add an eight foot cupola**

Minutes

March 21, 2005

Page 12

to the structures, per the design submitted into the record on March 7, 2005 before the Board. In exchange, the applicant/owner and any assigns covenant to use the eight foot variance that may be granted by the Board only for a cupola, and for no other reason.

4. **The applicant agrees to sign a restrictive covenant and/or private deed restriction that memorializes the applicant's obligations outlined herein, said restrictive covenant or private deed restriction to be recorded in the Office of the Recorder of Deeds, in and for Sussex County.**
5. **The parties to this agreement herein, those being the applicant and Margaret R. Steele, Betsy R. Mitchell, Taylor Dickerson, and Eugene and Joyce Saville, by and through their representative David J. Weidman, Esquire of Hudson, Jones, Jaywork & Fisher, agree that this stipulation shall be binding upon their heirs, donees, devisees, and assigns, if any.**

and since it will not alter the character of the neighborhood and that they are only seeking minimum variances. Vote carried 5 – 0.

Case No. 8984 – Bunting Avenue, LLC – intersection of Route One and Fenwick Avenue, being Lot 17.

A variance from the front yard, side yard and rear yard setback requirements.

The Board discussed the case, which has been tabled since March 7, 2005.

Motion by Mr. Mills, seconded by Mr. McCabe, and carried unanimously that the variances be **granted based on the stipulations submitted by the Applicant,**

1. **The opponents hereby withdraw their opposition to the ten-foot variance request, in #8984, from the front setback requirement along Coastal Highway, to allow the structure to be moved ten feet closer to the highway. In exchange, the applicant agrees to sign a restrictive covenant and/or private deed restriction, promising to keep only mowed grass in the 30 foot setback area, and not to construct any signs or fences, or plant any trees or shrubs in that area, or otherwise obstruct the sign for Bahama Mama's on the parcel owned by the adjacent property owner.**
2. **The applicant agrees to place a privacy fence on the boundary line (or in the approximate location of the boundary line) between Bahama Mama's and the structure to be built on parcel 17 fronting Coastal Highway, with said privacy fence to continue along the boundary line between the applicant's property and the properties owned by Margaret R. Steele, Betsy R. Mitchell, Taylor Dickerson, and Eugene and Joyce Saville.**
3. **The opponents hereby withdraw their opposition to the applicant's request in 38984 for a five foot variance from the ten foot side yard setback requirement, allowing the proposed structure to be built five feet closer to the property line between parcel 17 fronting Coastal Highway and the parcel where Bahama Mama's is located, 1-34-23.20-169.**
4. **The opponents hereby withdraw their opposition to the applicant's variance request in #8984 for a five foot variance to the ten foot rear yard setback requirement between parcel 17 fronting Coastal Highway and parcel #1-34-23.20-167, Bunting Avenue LLC.**
5. **The applicant agrees to sign a restrictive covenant and/or private deed restriction that memorializes the applicant's obligations outlined herein, and restrictive covenant or private deed restriction to be recorded in the Office of the Recorder of Deeds, in and for Sussex County.**

Minutes
March 21, 2005
Page 13

6. The parties to this agreement herein, those being the applicant and Margaret R. Steele, Betsy R. Mitchell, Taylor Dickerson, and Eugene and Joyce Saville, by and through their representative David J. Weidman, Esquire of Hudson, Jones, Jaywork & Fisher, agree that this stipulation shall be binding upon their heirs, donees, devisees, and assigns, if any.

and since it will not alter the character of the neighborhood and that they are only seeking minimum variances. Vote carried 5 – 0.

Case No. 8990 – Cingular Pennsylvania, LLC – south of Road 261, 300 feet east of Road 258.

A special use exception to erect a telecommunications monopole.

The Board discussed the case, which has been tabled since March 7, 2005.

Minutes

March 21, 2005

Page 14

Motion by Mr. Mills to table the case. Motion failed due to the lack of a second.

Motion by Mr. Workman, seconded by Mr. McCabe, and carried that the special use exception be **denied since a tower is not needed in that location and due to the opposition**. Vote carried 4 – 1.

Meeting Adjourned 11:03 p.m.