MINUTES OF APRIL 15, 2013

The regular meeting of the Sussex County Board of Adjustment was held on Monday, April 15, 2013, at 7:00 p.m. in the County Council Chambers, County Administrative Building, Georgetown, Delaware.

The meeting was called to order at 7:00 p.m. with Chairman Callaway presiding. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Brent Workman, Mr. Jeff Hudson, and Mr. Norman Rickard, with Mr. James Sharp – Assistant County Attorney, and staff members, Mr. Lawrence Lank – Director of Planning & Zoning, Ms. Melissa Thibodeau – Zoning Inspector II, and Mrs. Jennifer Norwood – Recording Secretary.

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

Motion by Mr. Mills, seconded by Mr. Rickard, and carried unanimously to approve the Minutes of March 18, 2013 and the Finding of Facts of March 18, 2013. Motion carried 5 – 0.

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

PUBLIC HEARINGS

Case No. 11189 – Brandywine Seaside Pointe LLC – northeast of Seaside Boulevard 580 feet east of Road 270A (Munchy Branch Road) and being 400 feet east of Route One (Coastal Highway). (Tax Map I.D. 3-34-13.00-325.37)

An application for a special use exception to expand an existing Assisted Living Facility (Convalescent / Nursing Home).

Mr. Lank presented the case. Mr. Lank advised the Board that the Office of Planning & Zoning received a letter from an owner of a nearby property who expressed concerns about his view if the Applicant expands its facility.

Michael Colvin, Peter Burke, Jr. and Steve Heene were sworn in to testify about the Application. Tim Willard, Esquire, presented the case to the Board on behalf of the Applicant and submitted exhibits for the Board to review. Mr. Willard stated that the Applicant is requesting a special use exception to expand an existing Assisted Living Facility (Convalescent/Nursing Home); that the use will not substantially affect adversely the uses of neighboring and adjacent properties; that the existing facility was approved in 1996 for a convalescent home; that the existing facility has been in operation for fifteen (15) years; that the Applicant plans to add an additional 28 beds for Alzheimer's and dementia patients; that the proposed addition will be called "Reflections"; that there is an increased need for this type of care in the area; that the Applicant operates a similar facility in Fenwick Island and there is a waiting list for that facility; that the Applicant is a leader in its field; that there will be changes made to the existing entrance of the facility as the entrance will be moved to the center of the

building; that the change in the entrance will result in a loss of six (6) beds in the old portion of the facility but will increase leisure space within the facility; that the available parking spaces will increase from 34 parking spaces to 64 parking spaces; and that there will be an additional six (6) employees hired for the proposed expansion.

Michael Colvin testified that the site will have one (1) parking space for every four (4) beds and that the Applicant is only required to have 55 parking spaces.

Mr. Willard stated that most residents no longer drive; that parking problems typically only exist during holidays such as Christmas and Mother's Day; that the Applicant will landscape the parking lot islands; that the Applicant will install additional lighting in the parking lot; and that the proposed addition will have the same appearance as the existing building.

Mr. Burke testified that he is the Vice President of Brandywine Seaside Pointe, LLC; that the Alzheimer's Disease epidemic is creating problems because those who suffer from the disease are living longer; that 40% of the residents at the Fenwick Island facility suffer from Alzheimer's Disease or related conditions; that the proposed expansion will help the Applicant meet a demand; that the closest facility is 25 miles away; and that only 2 or 3 current residents actually drive.

Mr. Colvin testified that the water runoff from the parking lot will be directed to the existing Storm Water Management Pond; that adequate capacity for the water and sewer is available to accommodate the proposed addition; that Tidewater provides water to the site and Sussex County provides sewer services; and that the proposed lighting is designed so that it does not disturb the neighboring properties.

Mr. Willard stated that the Applicant obtained an appraisal comparing the Beachfield community, which is adjacent to the facility, to other similar communities adjacent to convalescent homes and the appraisal showed that there is no substantial adverse effect to the surrounding neighborhoods; that there are Leland Cypress trees along the property line and the Applicant is willing to increase the buffer, if necessary; that there is intense commercial activity nearby as a pharmacy, a grocery store, and a bank are very close to the Property; that the facility is a transition property separating the residential properties in Beachfield from the nearby commercial properties; and that the facility is very secure.

Mr. Heene testified that the facility is equipped with keypad entry and alarms on all doors; that any outdoor activity for the residents is within a fenced in area; that nursing care is provided 24 hours a day / 7 days a week; that the Applicant operates 25 facilities in five (5) states; that the Applicant is very concerned about keeping the facility secure; that the Applicant will install cameras outside the facility's exit doors; and that the facility practices yearly disaster drills with the local fire department. Mr. Heene, under oath, confirmed the statements made by Mr. Willard.

Mr. Lank read into the record another letter the Office of Planning & Zoning received from a neighbor who was in opposition to the Application.

Sally Cooper was sworn in and testified in opposition to the Application. Ms. Cooper testified that she lives in Beachfield development; that she is concerned about the additional parking lot, lighting and landscaping; that her property abuts the parking lot; that she would like to see a double row of Leland Cypress trees planted along the property line; and that the existing fence is currently not maintained and that she would like the Applicant to maintain the fence.

Gabriel Fisher was sworn in and testified in opposition to the Application. Ms. Fisher testified that she is concerned about increased noise and lighting issues; that there are no trees planted between her property and the Applicant's property; that she would like to see a double row of Leland Cypress trees planted to create a buffer; that she is concerned the lighting for the Property will shine on her property; and that the Applicant should maintain the existing fence.

Bill Gallop was sworn in and testified in opposition to the Application. Mr. Gallop testified that he would like to know the shift schedule and hours of operation; that the Beachfield development never received a copy of the proposed plan from the Applicant; and that the Applicant has been a great neighbor.

In rebuttal, Tim Willard, stated that the Applicant is willing to plant additional Leland Cypress trees, beginning at the end of the existing row of Leland Cypress trees; and that the Applicant will have no objection to maintaining the existing fence.

Mr. Colvin testified that the Applicant could put a double row of Leland Cypress trees near the current trees; that he does not think there is enough space to plant a double row in the new area but there is enough space to plant a single row of the trees beginning at the end of the existing row of Leland Cypress trees; and that the lighting will be taller than eight (8) feet but is designed to minimize the impact to surrounding properties and not radiate outside the parking area.

Mr. Heene testified that the shifts will remain the same, which are 7:00 a.m. to 3:00 p.m., 3:00 p.m. to 11:00 p.m., and 11:00 p.m. to 7:00 a.m.

Mr. Willard submitted an exhibit book to the representative from the Beachfield development for their review.

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

The Board found that seven (7) parties appeared in opposition to the Application.

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

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

At the conclusion of the public hearings, the Chairman referred back to this case. Mr. Rickard stated that he would move that the Board recommend approval of Special Use Exception Application No. 11189 for the requested special use exception because the use does not substantially affect adversely the uses of the adjacent and neighboring properties and for the following reasons:

a. The Applicant proposes to expand an already existing convalescent home. Specially, the new facility would add 28 units. The current facility has 96 units. The proposed addition would be approximately 20,000 square feet. The current facility is approximately 64,000 square feet. This expansion fills a significant demand for healthcare for the elderly and the expanded activity because of economies of scale is marginal and would not substantially affect adversely the neighbors or adjacent properties.
b. The use would be for a secure facility for patients with Alzheimer's or dementia related diseases and would not generate significant outdoor activity including traffic or noise.
c. An appraiser's report concluded that the expansion would not adversely affect property values on neighboring residential homes.
d. The Planning Director reported that the current facility has been in operation for over ten (10) years and has had no violation or known complaints.
e. The site plan provides for ample parking, appropriate storm water management, and sufficient infrastructure and utilities for the expansion.
f. The property is located in a GR-RPC which allows for application of a special use exception for convalescent home.
g. The adjacent property and neighbors include significant commercial activity which would not be adversely affected by this expansion.
h. The applicant will maintain and / or install sufficient buffers to all residential property and install landscaping and appropriate lighting.

As part of the Motion for approval, Mr. Rickard placed a stipulation that a double row of six (6) foot high Leland Cypress trees be planted by the Applicant along the property line and that the Applicant maintain the fence between the Applicant's property and the Beachfield development.

Motion by Mr. Rickard, seconded by Mr. Mills, and carried unanimously that the special use exception be **granted for the reasons stated and with the stipulation that a double row of**

6-foot high Leland Cypress trees be planted and that the Applicant maintains the fence. Motion carried 5 – 0.

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

Case No. 11190 – Charles Limmer & Betty Limmer – south of Route 54 (Lighthouse Road) west of Tyler Avenue, being Lot 41 within Cape Windsor development. (Tax Map I.D. 5-33-20.18-69.00)

An application for variances from the side yard and rear yard setback requirements.

Mr. Lank presented the case and stated the Office of Planning & Zoning has not received any letters regarding this Application. Charles Limmer, Sr., was sworn in to testify about the Application. James Fuqua, Esquire, presented the case to the Board on behalf of the Applicants and stated that the Applicants are requesting a variance of five (5) feet from the 10 feet side yard setback requirement for a proposed attached garage and a variance of five (5) feet from the 20 feet rear yard setback requirement for a proposed porch. Mr. Fuqua submitted exhibits to the Board for review. Mr. Fuqua stated that the Property is located within the Cape Windsor development; that the Applicants applied for variances in November 2012 and the Application was denied; that the Applicants have re-designed the proposed dwelling per the Board's comments; that there is a significant difference in the new site plan submitted with this Application from the site plan offered in the prior application; that the proposed dwelling is more in conformity with other dwellings in Cape Windsor; that Cape Windsor is a dense residential development; that the lot is 50 feet wide; that the existing home had to be removed and replaced; that the building envelope is being moved to the rear of the Property and is not being enlarged; that the rear yard variance will allow room for parking in front of the dwelling and will create a buffer area from the street; that the rear yard is adjacent to the existing lagoon; that the variance requests are consistent with other variances granted in the development; that lots within Cape Windsor are unique because the community was originally developed for manufactured homes; that there have been twenty-two (22) similar variances granted on Tyler Avenue; that the difficulty was not created by the Applicants; that the variances will not alter the character of the neighborhood; that the variances are necessary to enable reasonable use of the Property; that the variances are the minimum variances necessary to afford relief; and that the Applicants have safety concerns about placing their home five (5) feet from the road.

Mr. Limmer, under oath, confirmed the statements made by Mr. Fuqua. Mr. Limmer testified that he has experienced no problems with flooding in the rear of the Property.

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

Motion by Mr. Hudson, seconded by Mr. Rickard, and carried unanimously that this **Application is substantially different than the 2012 application and can be considered**. Motion carried 5 – 0.

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

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11190 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The Property is unique in size;
2. The variances are necessary to enable reasonable use of the Property;
3. The difficulty was not created by the Applicants;
4. The variances will not alter the essential character of the neighborhood; and
5. The variances sought are the minimum variances necessary to afford relief.

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

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

Case No. 11191 – Keith Mervine – southwest of Route 5 (Oak Orchard Road) east of Roberta Lane, being Lot 33 within Orchard Manor development. (Tax Map I.D. 2-34-34.08-36.00)

An application for variances from the rear yard and side yard setback requirements.

Mr. Lank presented the case. Mr. Lank read a letter of support into the record from the Indian River Volunteer Fire Department, which owns adjacent property.

Keith Mervine was sworn in and testified requesting a variance of 1.6 feet from the 10 feet rear yard setback requirement for an existing detached pole barn and a variance of 1.5 feet from the 5 feet setback requirement for an existing detached garage. Mr. Mervine testified that he has a letter of support from a neighbor as well; that the Property is unique; that he purchased the Property in 2010; that the Property measures 76 feet by 133 feet; that the pole barn was placed in the rear of the Property to be less obstructive from the street; that the pole barn was initially constructed in compliance with the setback requirements but that additional bracing to the pole barn was necessary and the bracing created the encroachment; that he built the pole barn and obtained the building permit; that he did not construct or place the existing detached garage; that the detached garage was on the Property when he purchased the Property; that the location of the old barn allows him access to maneuver the boat in and out of the structure; and that he

relied on his property markers when measuring, but feels they could have been moved. Mr. Mervine submitted pictures of the Property to the Board.

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

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11191 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The Property is unique in size;
2. The variances are necessary to enable reasonable use of the Property;
3. The difficulty was not created by the Applicant;
4. The variances will not alter the essential character of the neighborhood; and
5. The variances sought are the minimum variances necessary to afford relief.

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

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

Case No. 11193 – Todd Steven Erlandson – north of Route 54 (Lighthouse Road) southeast of Blue Teal Drive, being Lot 22 within Swann Keys development. (Tax Map I.D. 5-33-12.16-494.00)

An application for a variance from the side yard setback requirement.

Mr. Lank presented the case and advised the Board that the Office of Planning & Zoning received no letters regarding this Application.

Gil Fleming was sworn in and testified requesting a variance of 4 feet from both of the 10 feet side yard setback requirement for a proposed manufactured home, a variance of 7.5 feet from both of the 10 feet side yard setback requirement for proposed steps, and a variance of 8 feet from the 10 feet side yard setback requirement for a proposed air conditioning unit. Mr. Fleming testified that the lot is 40 feet wide and is not wide enough for a doublewide manufactured home; that the proposed manufactured home will measure 28 feet by 72 feet; that very few manufactured homes are even 24 feet wide; that the Property is located within Swann Keys; that homes similar to the one proposed to be placed on the Property are not uncommon in the development; that the development was created as a mobile home park; that the variances will not alter the essential character of the neighborhood; that the lot is unique; that the lot is currently vacant; and that there is adequate space for parking on the Property.

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

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

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

At the conclusion of the public hearings, the Chairman referred back to this case. Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11193 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The Property is unique in size as it is only 40 feet wide;
2. The variances are necessary to enable reasonable use of the Property;
3. The difficulty was not created by the Applicant;
4. The variances will not alter the essential character of the neighborhood; and
5. The variances sought are the minimum variances necessary to afford relief.

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

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

Case No. 11194 – Thomas C. Staz – south of Road 306A (Friendship Road) south of Congress Drive, being Lot 112 within Holiday Pines. (Tax Map I.D. 2-34-23.00-388.00)

An application for a special use exception for a garage / studio apartment.

Mr. Lank presented the case and advised the Board that the Office of Planning & Zoning received no letters regarding this Application.

Thomas Staz was sworn in and testified requesting a special use exception for a garage / studio apartment. Mr. Staz testified that the manufactured home and small apartment existed on the Property when he purchased it; that the building behind the manufactured home contains a small efficiency apartment with a separate entrance and bathroom; that the existing apartment measures 15 feet by 15 feet; that the existing septic system is approved for three (3) bedrooms; the manufactured home has two (2) bedrooms and the apartment has one (1) bedroom; that the apartment has separate utilities; that there is a parking spot provided for the apartment; that he

plans to use the apartment as a rental; that the use will not substantially adversely affect the neighborhood; that the Property is located in a manufactured home community where some of the manufactured homes have been replaced by stick built dwellings; that the lot is 75 feet wide and 135 feet deep; and that an adjacent lot is unbuildable due to the location of a drainage ditch. The Applicant submitted pictures and exhibits to the Board.

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

Mr. Mills stated that he would move that the Board recommend approval of Special Use Exception Application No. 11194 for the requested special use exception based on the record made at the public hearing because the use does not substantially affect adversely the uses of the adjacent and neighboring properties. The apartment has been on the Property for quite some time and there was no evidence that the apartment had any adverse effect on neighboring and adjacent properties.

Motion by Mr. Mills, seconded by Mr. Rickard, and carried unanimously that that special use exception be **granted for the reasons stated**. Motion carried 5 – 0.

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

Case No. 11195 – Doug Tenly – south of Route 54 (Lighthouse Road) west of Cleveland Avenue, being Lot 32 within Cape Windsor development. (Tax Map I.D. 5-33-20.18-109.00)

An application for variances from the side yard and rear yard setback requirements.

Mr. Lank presented the case and advised the Board that the Office of Planning & Zoning received no letters regarding this Application.

Doug Tenly was sworn in and testified requesting a variance of 5 feet from the 10 feet side yard setback requirement for a dwelling and porch, a variance of 5 feet from the 20 feet rear yard setback requirement for a porch, and a variance of 8 feet from the 10 feet side yard setback requirement for air conditioning units. Mr. Tenly testified that the proposed dwelling is a Beracah Home and will measure 30 feet by 68 feet; that the lot is 50 feet wide; that ninety percent (90%) of the homes in the development have a 5 feet side yard setback; that there is no parking permitted on the street in the development; that the north side of the Property would be used for parking, which is consistent with the neighborhood; that the proposed dwelling would have no detrimental effect to the neighborhood; that the rear yard is adjacent to the existing lagoon; that the only place to place the air conditioning units for the dwelling is on the south side of the Property; that eighty percent (80%) of the dwellings in the development have the air

conditioning units on the south side of the lots; that the lot is currently vacant; and that the Homeowner's Association has approved the proposed plan.

The Board found that one (1) party appeared in support of the Application.

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

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11195 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The proposed dwelling footprint is similar to the previous dwelling;
2. The Property is unique in size;
3. The variances are necessary to enable reasonable use of the Property;
4. The difficulty was not created by the Applicant
5. The variances will not alter the essential character of the neighborhood; and
6. The variances sought are the minimum variances necessary to afford relief.

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

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

Case No. 11196 – Dominick J. Baffone, III – west of Route One, north of Hassell Avenue and west of Alda Lane Ext., within Bayview Park Subdivision (Lot 48). (Tax Map I.D. 1-34-20.11-12.00)

An application for variances from the front yard, side yard, and rear yard setback requirements.

Mr. Lank presented the case. Dominick Baffone, III and Brenda Jones were sworn in and testified requesting a variance of 6.7 feet from the 30 feet front yard setback requirement, a variance of 5.3 feet from the 15 feet side yard setback requirement, a variance of 1.5 feet from the 10 feet rear yard setback requirement, and a variance of 4 feet from the 10 feet side yard setback requirement for proposed second level decks and stairs.

Mr. Baffone testified that the Property is located in the Bayview Park development; that the Homeowners Association declined to take a position on his proposed plan; that the lot is irregular shaped; that the lot is smaller than most lots in the development; that the proposed decking will allow the Applicant to enjoy the outdoors; that the dwelling was built in the 1970s;

that Hurricane "Sandy" caused significant damage to the existing dwelling; and that he is not expanding the existing footprint of the dwelling.

Ms. Jones testified that she is a designer; that all proposed additional space is exterior space only and will not be enclosed; that the Applicant wants usable outside space; and that the living space in the dwelling is all on the second floor.

Mr. Baffone testified that an existing pitched roof on the sunroom will be removed as well as an existing porch; that the proposed deck will not be as high as the pitched roof; that there are multiple decks throughout the development; that the majority of dwellings are two (2) and three (3) story dwellings; that his neighbor owns a four (4) story dwelling; and that his immediate neighbor supports the Application.

Ms. Jones testified that the pitched roof on the sunroom is to be replaced with a deck; that the deck will not be as high as the roof; and that the porch will be removed.

Mr. Baffone testified that the stairs on the existing structure will be replaced; that the decking will not obstruct views for traffic on the roads; that he plans to maintain a cottage feel; and that the proposed decks will not alter the character of the neighborhood. Mr. Baffone submitted a sketch of proposed decks for the Board to review.

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

Mr. Lank read three (3) letters of opposition into the record.

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

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

At the conclusion of the public hearings, the Chairman referred back to this case. Mr. Mills stated that he would move that the Board recommend approval of Variance Application No. 11196 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The Property is a corner lot, which creates a unique size and shape;
2. The variances are necessary to enable reasonable use of the Property since the living space for the dwelling is all on the second floor;
3. The difficulty was not created by the Applicant;
4. The variances will not alter the essential character of the neighborhood; and

5. The variances sought are the minimum variances necessary to afford relief.

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

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

OLD BUSINESS

Case No. 11187 – B G & L Assoc. – south of Road 326A (West State Street) approximately 1,148 feet east of Road 82 (Delaware Avenue). (Tax Map I.D. 1-33-17.09-5.01)

An application for a variance from the side yard setback requirement.

The Board discussed the case which has been tabled since April 1, 2013.

Mr. Hudson stated that he would move that the Board recommend approval of Variance Application No. 11187 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The Property is unique in shape;
2. The variance is necessary to enable reasonable use of the Property;
3. The difficulty was not created by the Applicant;
4. The variance will not alter the essential character of the neighborhood; and
5. The variance sought is the minimum variance necessary to afford relief.

Motion by Mr. Hudson, seconded by Mr. Rickard, and carried unanimously that the variance be **granted for the reasons stated and with the stipulation that a chain link fence with no slats and a minimum of four (4) feet in height be erected on the variance side**. Motion carried 5 – 0.

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

Meeting Adjourned 9:55 p.m.