

**BOARD OF ADJUSTMENT MEETING  
CITY OF REHOBOTH BEACH**

**March 28, 2011**

The Board of Adjustment Meeting of the City of Rehoboth Beach, was called to order at 7:00 p.m. by Acting Chair Myrna Kelley on Monday, March 28, 2011 in the Commissioners Room in City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE.

**ROLL CALL**

Present: Mr. Doug Popham  
Ms. Myrna Kelley  
Mr. Frank Cooper  
Mr. Clifton Hilderley – recused.

Absent: Mr. Tom Evans

Also Present: Mr. Craig Karsnitz, Esq., Board of Adjustment Solicitor

A quorum was present.

**CORRESPONDENCE**

There was none.

**APPROVAL OF MINUTES**

Minutes of the December 13, 2010 Board of Adjustment meeting were distributed prior to the meeting.

Mr. Doug Popham made a motion, seconded by Mr. Frank Cooper, to approve the minutes of the December 13, 2010 meeting as written. (Popham – aye, Kelley – aye, Cooper – aye.) Motion carried.

**OLD BUSINESS**

There was none.

**NEW BUSINESS**

**Case No. 0211-01.** An APPEAL OF THE DECISION OF THE BUILDING INSPECTOR or in the alternative a REQUEST FOR A VARIANCE in regard to Section 270-63 of the Municipal Code of Rehoboth Beach to allow a ground sign in the R-2 District. The property is located on Block 30, Lot Nos. 42, 43, 44, 45, 46 and part of Lot Nos. 47 & 48 at 301 King Charles Avenue. The Appeal of the Decision of the Building Inspector or Variance is being requested by John Rotach on behalf of Westminster Presbyterian Church, owner of the property. Acting Chair Kelley read the reasons for granting a Variance from Section 270-74(C) of the Zoning Code and noted the Public Hearing procedures.

Building Inspector Sullivan gave her report with exhibits. (Copy attached.)

Mr. John Rotach, representative of Westminster Presbyterian Church provided testimony to allow the Variance. He did not raise appeal issues and did not contend that the Building Inspector was incorrect in her decision.

There was no correspondence.

Public Comment:

1. Mr. Clifton Hilderley, 402 Bayard Avenue, provided additional testimony in support of the Appeal of the Decision of the Building Inspector or in the alternative a Variance.

Mr. Popham made a motion, seconded by Mr. Cooper, to grant the Variance with the stipulation that the sign is erected behind the 10 foot setback.

Mr. Cooper said that the Building & Licensing Department is correct in its interpretation of the law in regard to a new sign. In regard to the spirit of the law, it is to protect the aesthetics of the City. He had no problem with moving the sign back behind the setback. It is in the interest of the City and in the interest of

the spirit of the law to grant the Variance.

Mr. Popham voiced concern that the idea of the sign possibly being in the setback. The sign is not much larger and is more appealing to the eye than the original sign

Ms. Kelley voiced concern regarding the setback. The church representatives showed good faith in reducing the size of the proposed sign from the original proposal. It would be an asset to the neighborhood even though it is a variance to the existing Code. The spirit of the way the Code is written is to protect the neighborhood, and this sign does so.

(Popham – for, for the reasons expressed. Kelley – for, for the reasons expressed. Cooper – for, for the reasons expressed.) Motion carried.

**OTHER BUSINESS**

There was none.

There being no further business, Acting Chair Kelley declared the meeting adjourned at 7:43 p.m.

**Respectfully submitted,**

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(Ann M. Womack, Recording Secretary)

**MINUTES APPROVED ON  
APRIL 25, 2011**

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(Clifton Hilderley, Acting Chair)