

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES L. LAIRD, ELIZABETH A. §
LAIRD, PETER H. LUCAS, ROSE §
A. LUCAS, JOSEPH MCAVOY, §
KATIE MCAVOY, SUZANNE §
MESSINA, KATHLEEN R. §
SULLIVAN, as trustee, and PHILLIP §
C. WINKLER, §

No. 392, 2014

Appellants Below-
Appellants,

§ Court Below: Superior Court
§ of the State of Delaware in
§ and for Sussex County
§ C.A. No. S14A-01-001

v. §

BOARD OF ADJUSTMENT OF §
THE TOWN OF DEWEY BEACH §
WALTER G. BRUHL, JR., and §
HELENE S. BRUHL, §

Appellees Below-
Appellees. §

Submitted: April 29, 2015

Decided: April 30, 2015

Before **STRINE**, Chief Justice; **HOLLAND**, and **VAUGHN**, Justices.

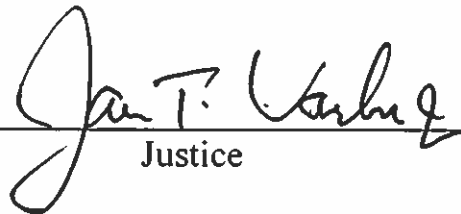
ORDER

This 30th day of April 2015, the Court having considered this matter after oral argument and on the briefs filed by the parties has determined that the final judgment of the Superior Court should be affirmed on the basis of and for the reasons assigned

by the Superior Court in its Order dated June 26, 2014.¹

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court be, and the same hereby is, AFFIRMED.

BY THE COURT:


Justice

¹ The appellants have argued that they were not permitted to testify or otherwise be heard at the November 20, 2013 hearing before the Town of Dewey Beach Board of Adjustment which is the subject of this appeal. No transcript of the hearing exists because the Board of Adjustment's tape recording equipment malfunctioned. It was error for the Board of Adjustment to deny the appellants an opportunity to testify or otherwise be heard at the hearing. However, we have determined that the Board's failure to allow the appellants to be heard does not require reversal because the Board decided an appeal which involved a narrow question of law and the appellants' proffered testimony would not have affected the result. We also note that the appellants have not presented an argument that they were denied an opportunity to file an appeal objecting to the issuance of the May 29, 2013 building permit.