

## BOARD OF ADJUSTMENT

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# Sussex County

DELAWARE  
sussexcountyde.gov

(302) 855-7878

## AGENDA

November 7, 2022

6:00 P.M.

**PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA\*\***

### Call to Order

### Pledge of Allegiance

### Approval of Agenda

### Approval of Minutes for September 12, 2022

### Approval of Finding of Facts for September 12, 2022

### Public Hearings

**Case No. 12753– William and Kathleen Mussel** seek a variance from the maximum fence height requirement for a proposed fence (Sections 115-25, 115-184, and 115-185 of the Sussex County Zoning Code). The property is a corner through lot located on the south side of John Deere Drive within the Deere Country Subdivision. 911 Address: 29476 John Deere Drive, Millsboro. Zoning District: AR-1. Tax Parcel: 133-15.00-34.00

**Case No. 12754–Pot-Nets Bayside, LLC** seeks a special use exception for an off-premise parking lot (Sections 115-23B of the Sussex County Zoning Code). The property is located on the southeast side of Pot Nets Road approximately 600 ft. from Long Neck Road. 911 Address: 26463 Burton Road, Millsboro. Zoning District: AR-1. Tax Parcel: 234-24.00-51.00

**Case No. 12755–Megan Avalos and Rommel Avalos-Flores** seek variances from the side yard and rear yard setback requirements for a proposed structure (Section 115-25, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located on the east side of Sand Hill Road approximately .39 miles from Huff Road. 911 Address: 18265 Sand Hill Road, Georgetown. Zoning District: AR-1. Tax Parcel: 135-7.00-13.02



**Case No. 12756– Laura L. Turner Cox and Howard Cox** seek variances from the front yard and side yard setback requirements for existing structures (Sections 115-25, 115-182, and 115-183 of the Sussex County Zoning Code). The property is located on the northwest side of New Castle Road within the Indian River Acres Subdivision. 911 Address: 30207 New Castle Road, Dagsboro. Zoning District: AR-1. Tax Parcel: 134-7.00-41.00

**Case No. 12757– Gary Kelbaugh** seeks a variance from the front yard setback requirement for an existing structure (Sections 115-25 and 115-182 of the Sussex County Zoning Code). The property is located on the south side of Staytonville Road approximately .27 miles from Memory Road. 911 Address: 12718 Staytonville Road, Harrington. Zoning District: AR-1. Tax Parcel: 430-1.00-9.00

**Case No. 12758– Elizabeth and Patrick McGuinness** seek a variance from the building height restriction for a proposed protective screen (Sections 115-25 and 115-185c of the Sussex County Zoning Code). The property is located on the west side of Ellender Court within the Kings Creek Country Club Subdivision. 911 Address: 5 Ellender Court, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-13.00-1065.00

**Additional Business**

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-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on October 31, 2022, at 4:30 p.m. and at least seven (7) days in advance of the meeting.

The Agenda was prepared by the Director of Planning and Zoning and is subject to change to include the additional or deletion of items, including Executive Sessions, which arise at the time of the meeting.

Agenda items may be considered out of sequence.

The meeting will be streamed live at <https://sussexcountye.gov/council-chamber-broadcast>

The County is required to provide a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.** Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

**Conference Number: 1 302 394 5036**

**Conference Code: 570176**

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments for those items under public hearings on this agenda.

The Board of Adjustment meeting materials, including the “packet” are electronically accessible on the County’s website at: <https://sussexcountye.gov/agendas-minutes/board-of-adjustment>

If any member of the public would like to submit comments electronically, these may be sent to [pandz@sussexcountye.gov](mailto:pandz@sussexcountye.gov). All comments are encouraged to be submitted by 4:30 P.M. on Thursday, November 3, 2022.

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