To: Sussex County Board of Adjustment

Letter of Opposition to:

Case No. 12646 – Donna P. Thomas seeks a variance from the side yard setback requirement for a proposed structure (Sections 115-34, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located at the south side of Admiral Road within the Tower Shores Subdivision. 911 Address: 39950 Admiral Road, Bethany Beach. Zoning District: MR. Tax Map: 134-5.00-110.00

We are the Owners of Lot 109 on Admiral Road, sharing the western boundary with Lot 110, i.e., 39950 Admiral Road Bethany Beach, the owner of which is seeking this variance.

We have owned Lot 109 for the past nine months. We have leased, owned, and currently occupy other properties in Bethany Beach for the past 40 years. There are several reasons for our opposition to this request for a variance to reduce the side yard setback requirement by fifty-five percent (55.00%) to a side yard setback of 4.5 feet.

- (1) If the variance is granted, the construction of an elevator in the side yard setback will alter the essential character of the neighborhood by reducing the value of Lot 109, since the lesser space between the boundary of our lot and the expanded envelope of the building on Lot 110 will be seen adversely by any prospective owner who wishes to either build on the currently unimproved lot, or purchase any structure hereinafter build on Lot 109, because of reduced privacy, and greater congestion.
- (2) This variance is NOT the sole means of satisfying the Applicant's desire to have an elevator in the structure occupying their lot. Therefore, there is a possibility that the Property can be developed in strict conformity with the provisions of the Zoning Ordinance, and approval of this variance request is not necessary to enable the reasonable use of the Property. There is the clear alternative of building the planned elevator within the setbacks, simply by modest re-design and allocating the needed length and width of the elevator, keeping the existing exterior boundaries of the dwelling exactly where it stands today. The owners of Lot 110 bought a property which observed, and stipulated the current 10-foot side yard setback; i.e., they bought into those limits which they now wish to use a variance to modify.
- (3) It is our position that the exceptional practical difficulty has been created by the Applicant. While we are sympathetic to the Applicant's medical diagnosis, we do not believe the Applicant's medical diagnosis meets the variance criteria that such exceptional practical difficulty has not been created by the Applicant. It is our understanding that appropriate considerations apply to the land itself. Therefore, consideration of the needs/preferences of persons who own or occupy the premises are not appropriate considerations in accordance with the Sussex County guidelines relating to variances.

The stated purpose in seeking the variance relates to the medical needs of a current occupant. The Sussex Country guidelines wisely recognize that the dimensions of buildings, including the side yard setbacks in this case, become permanent and remain well beyond the transition of one owner and their specific circumstances and needs/desires.

Hence, the guidelines are premised on the facts that modifications confined to specific occupants/owners are necessarily temporary, while modifications to the land are almost always permanent.

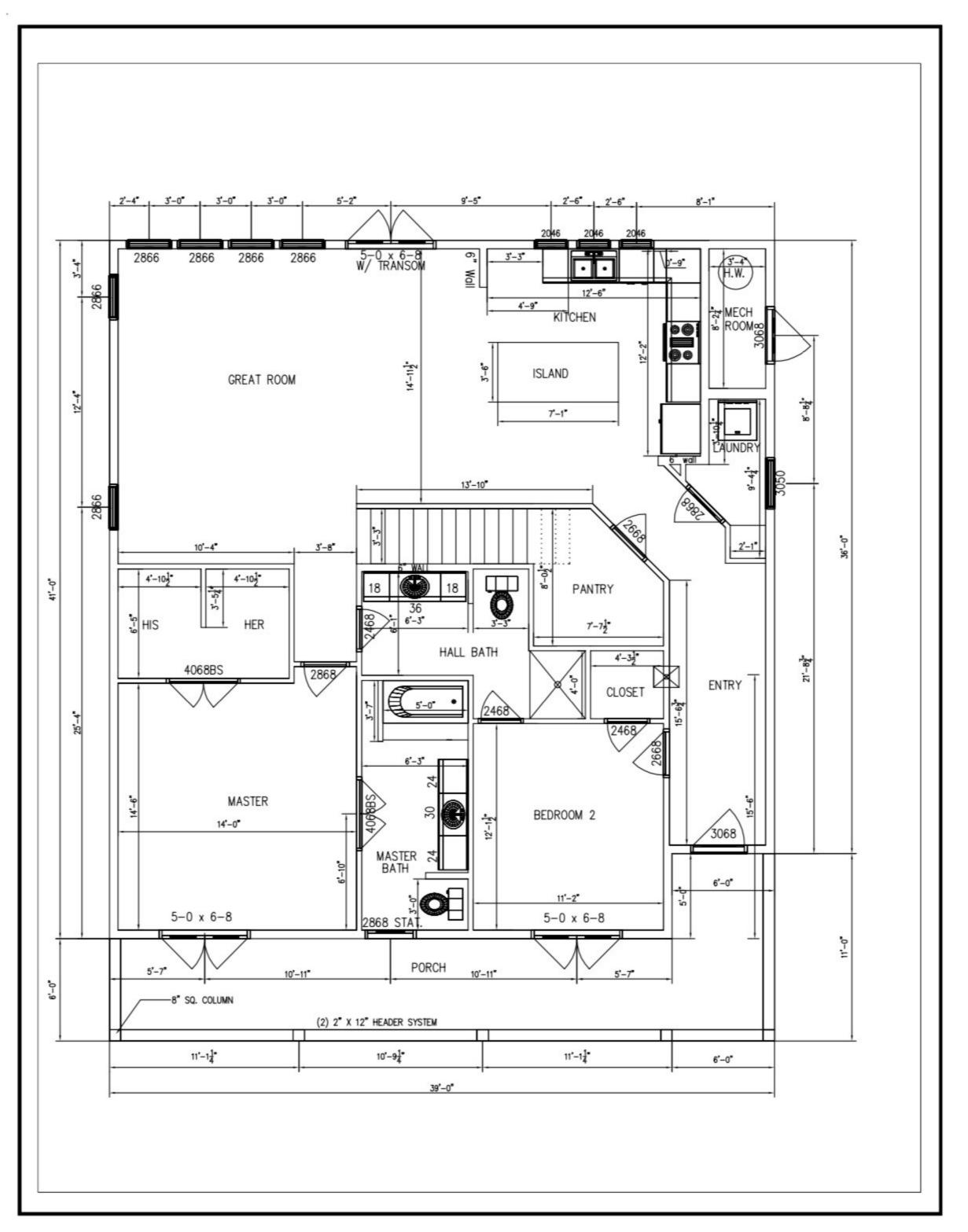
(4) The Applicant's 5.5 feet variance request is not the minimum variance that will afford relief and does not represent the least modification possible of the regulation in issue because the Applicant through modest re-design should be able to build the planned elevator within the current footprint.

For these reasons, the Applicant has not satisfied her burden of meeting the Sussex County area variance criteria. The owner of Lot 110 bought into the existing limitations with the presumed understanding that there would be no ability to expand the building's footprint westwardly in the direction of Lot 109. If the Board of Adjustment were to grant the requested variance, we, as owners of Lot 109, would suffer economic damages to the value of Lot 109. Therefore, we oppose Case 12646, and urge the Board of Adjustment to deny the Applicant's request for variance to reduce the side yard setback.

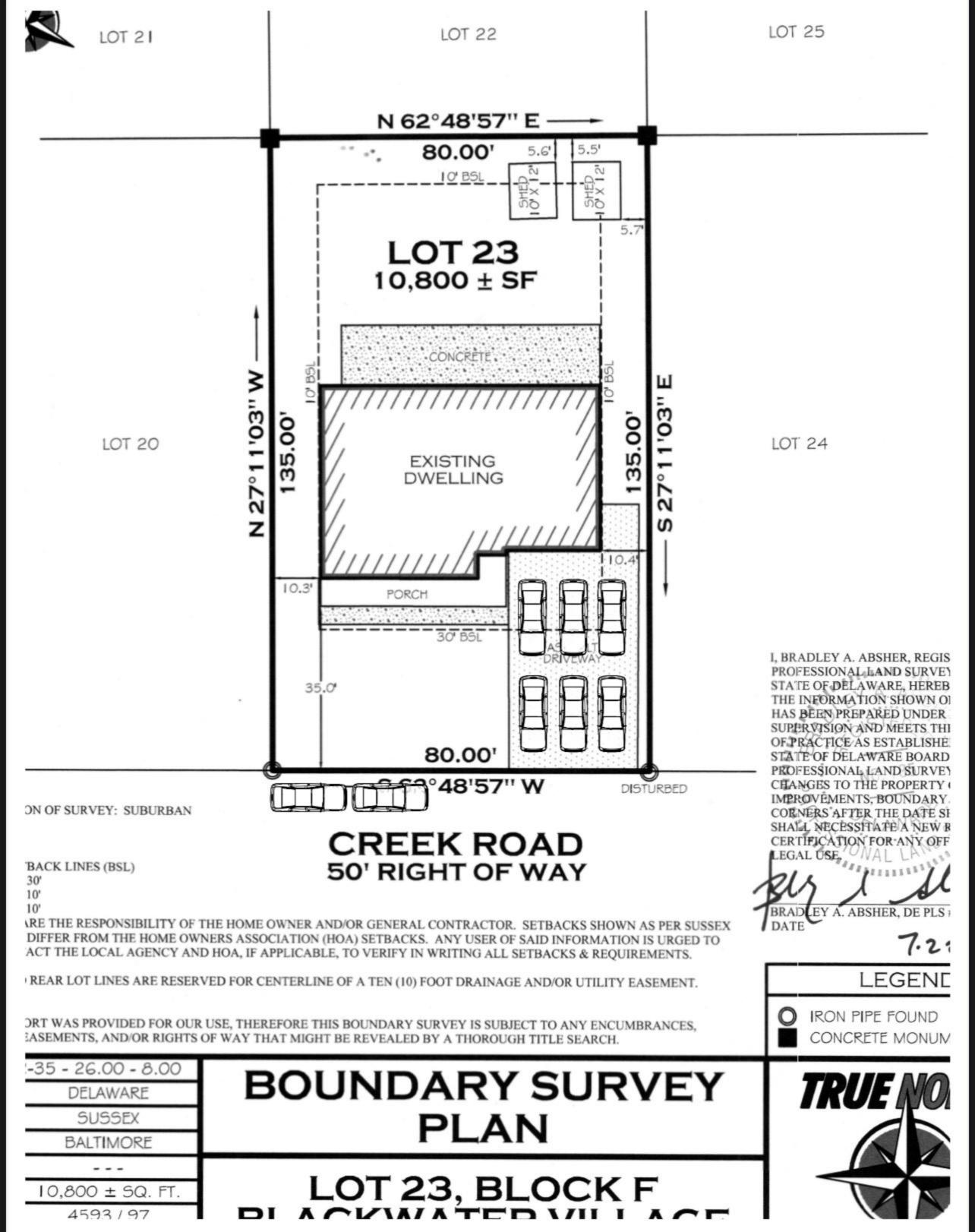
Very truly yours,

/s/ Thomas and Mary Ellen Fise

Thomas and Mary Ellen Fise Owners and Taxpayers Lot 109, Admiral Road Bethany Beach, Delaware



















Dec. 17th 2021

RE: CASE No. 126 48

MY NAME IS WALTER S. EARL

Address: 34060 CREEK RD.

DAGSBORO, DELAWARE 19839

I DON'T THINK I NEED A

TOURIST HOME / MOTEL TO BE USED =

OPEN ON MY STREET.

I WILL CAST MY VOTE OF NO.

WELL AT NITE - SO I WILL NOT BE ABLE TO ATTEND THE HEARING OF JAN. 3, 2022.

THIS IS SUPPOSED TO BE A
RESIDENTIAL NEIGHBORHOOD & BEVELOPMENT!

FIVED

DEC 28 2021

SUSSEX COUNTY
PLANNING & ZONING

YOURS TRULY, WALTER S. EARL 34060 CREEK RJ. DAGSBORD DE 19939

Walter S. Earl

Ann Lepore

From:

sbs100@mchsi.com

Sent:

Thursday, December 30, 2021 3:42 PM

To:

Planning and Zoning

Subject:

CASE 12648- TOURIST HOME

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

CASE 12648 TOURIST HOME BLACKWATER VILLAGE CREEK ROAD.

MY OBJECTION TO ALLOWING THIS TO GO FORWARD IS:

- 1. THIS COMMUNITY WAS ESTABLISHED IN THE YEAR 1973 AS A SINGLE FAMILY DEVELPOMENT. I HAVE LIVED HERE SINCE 1998, OUR ROADS ARE NARROW AND ADDED TRAFFIC CREATES A HAZARD FOR OUR CHILDREN AND RESIDENTS WHO WALK ALONE OR WITH DOGS, [WHICH ARE MANY].
- 2. I BELIVE IT WOULD SUBJECT US TO THE POSSIBILTIY TO INCREASED CRIME DUE TO THE FACT OF ADVERTISING ON THE INTERNET.
- 3. PARKING IS AN ISSUE. WE HAVE NO SPACE FOR STREET PARKING.
- 4. I AM CONCERNED THAT ALLOWING THIS TO PROCEED WILL JUST OPEN THE VILLAGE UP TO MORE COMMERCIAL SITUATIONS, WHICH WILL DESTROY OUR PEACEFUL FAMILY LIFE.

THANK YOU AND PLEASE CONSIDER MY CONCERN AGAINST ALLOWING THIS TO GO FORWARD.

BARBARA SULLIVAN 34111 POCAHONTAS ROAD DAGSBORO, DE. 19939