

BOARD OF ADJUSTMENT

ELLEN MAGEE, CHAIR
KEVIN E. CARSON
JEFF CHORMAN
JOHN WILLIAMSON
E. BRENT WORKMAN



Sussex County

DELAWARE
sussexcountyde.gov

(302) 855-7878 T
(302) 845-5079 F

AGENDA

January 4, 2021

6:00 P.M.

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

Call to Order

Pledge of Allegiance

Introduction of Staff Members

Approval of Agenda

Approval of Minutes for November 2, 2020

Approval of Finding of Facts for November 2, 2020

Old Business

Case No. 12509 – Kevin & Patricia O'Reilly seek variances from the front yard and rear yard setback requirements for proposed and existing structures. (Sections 115-34, 115-182 and 115-183 of the Sussex County Zoning Code). The property is located on the west side of Hassell Avenue Extension within the Bay View Park Subdivision. 911 Address: 34967 Hassell Avenue EXT., Bethany Beach. Zoning District: MR. Tax Parcel: 134-20.11-22.00

Public Hearings

Case No. 12510 – Keith A. Rust seeks a variance from the maximum fence height requirement for an existing fence (Sections 115-25 and 115-185 of the Sussex County Zoning Code). The property is located on the north side of the W. Piney Grove Road, approximately 0.31 mile west of Parker Road. 911 Address: 19553 W. Piney Grove Road, Georgetown. Zoning District: AR-1. Tax Parcel: 133-5.00-6.01

Case No. 12511 – Nussbaum Q.P.R. Trust c/o Andrew Nussbaum, Trustee seeks variances from the minimum lot width requirement and the minimum lot area requirement for proposed lots (Section 115-25 of the Sussex County Zoning Code). The property is located on the east side of Holly Road within the North Shores Subdivision. 911 Address: 37 Holly



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Road, Rehoboth Beach. Zoning District: AR-1. Tax Parcel: 334-14.05-8.00

Case 12512 – Kelly & Brian Ewing seek a variance from the side yard setback requirement for a proposed structure (Sections 115-42, 115-183 and 115-185 of the Sussex County Zoning Code). The property is located on the southeast side of Mallard Drive within the Swann Keys Subdivision. 911 Address: 36918 Mallard Drive, Selbyville. Zoning District: GR. Tax Parcel: 533-12.16-141.00

Case No. 12513 – Sheldon Berger seek variances from the front yard setback, side yard setback requirements and maximum fence height requirement for proposed and existing structures. (Sections 115-42, 115-182 and 115-185 of the Sussex County Zoning Code). The property is a through lot located on the northeast side of Oak Meadow Drive and the southwest side of Oak Orchard Road within the Oak Meadows Subdivision. 911 Address: 27772 Oak Meadow Drive, Millsboro. Zoning District: GR. Tax Parcel: 234-29.00-117.00

Additional Business

Request for 12-month time extension for Case 12237 – Lands of BB & Pops, LLC

Board of Adjustment meetings can be monitored on the internet at
www.sussexcountyde.gov

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on December 28, 2020 at 4:00 p.m., and at least seven (7) days in advance of the meeting.

This Agenda is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.
Agenda items listed may be considered out of sequence.



-MEETING INSTRUCTIONS-

**** The Sussex County Board of Adjustment is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292.**

The public is encouraged to view the meeting on-line. Any person attending in person will be required to go through a wellness and security screening, including a no-touch temperature check. The public will be required to wear a facial mask.

Chambers seating capacity is limited, and seating assignments will be enforced.

The meeting will be streamed live at <https://sussexcountyde.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 phone, 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://sussexcountyde.gov/>

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments shall be submitted by 4:30 P.M. on Wednesday, December 30, 2020

####



**Board of Adjustment Application
Sussex County, Delaware**

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Case # 12509
Hearing Date 11/2/21
202013317

Type of Application: (please check all applicable)

Variance ☒
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

Existing Condition ☐
Proposed ☒
Code Reference (office use only)
115-34 115-182

Site Address of Variance/Special Use Exception:

34967 Hassell Avenue EXT Bethany Beach, DE 19930

Variance/Special Use Exception/Appeal Requested:

9 ft variance from 30ft front yard setback for addition
12 ft variance from 30ft front yard setback for steps

Tax Map #: 1-34-20.11-22

Property Zoning: MR

Applicant Information

Applicant Name: Kevin and Patricia O'Reilly
Applicant Address: 34967 Hassell Ave. EXT
City Bethany Beach State DE Zip: 19930
Applicant Phone #: (240) 476-1832 Applicant e-mail: kporeilly2@gmail.com

Owner Information

Owner Name: Kevin and Patricia O'Reilly
Owner Address: 3908 Dresden St
City Kensington State Md Zip: 20895 Purchase Date: 3/27/15
Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: N/A
Agent/Attorney Address: _____
City _____ State _____ Zip: _____
Agent/Attorney Phone #: _____ Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

Kevin O'Reilly

Date: 10/23/2020



Criteria for a Variance: (Please provide a written statement regarding each criteria).

You shall demonstrate to the Board of Adjustment that the property meets all of the following criteria for a Variance to be granted.

In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance or Code. The Board is empowered in no case, however, to grant a variance in the use of land or structures thereon.

1. Uniqueness of property:

That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to circumstances or conditions generally created by the provisions of the Zoning Ordinance or Code in the neighborhood or district in which the property is located.

Property is 50' x 100'. The property is narrow and the only area for an addition is the front yard.

2. Cannot otherwise be developed:

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

Three bedrooms currently share one bathroom and limited closet space. An addition allows for a master bathroom and more closet space.

3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant.

The house was built in 1984 as a small summer vacation home. One of us just retired and we are both spending more time throughout the year and need the additional space.

4. Will not alter the essential character of the neighborhood:

That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

The essential character of the neighborhood will not change. The proposed addition does not impact the development of the adjacent properties. The new porch and addition gives the house additional curb appeal. The roof line of the addition will match the roof line of the existing house.

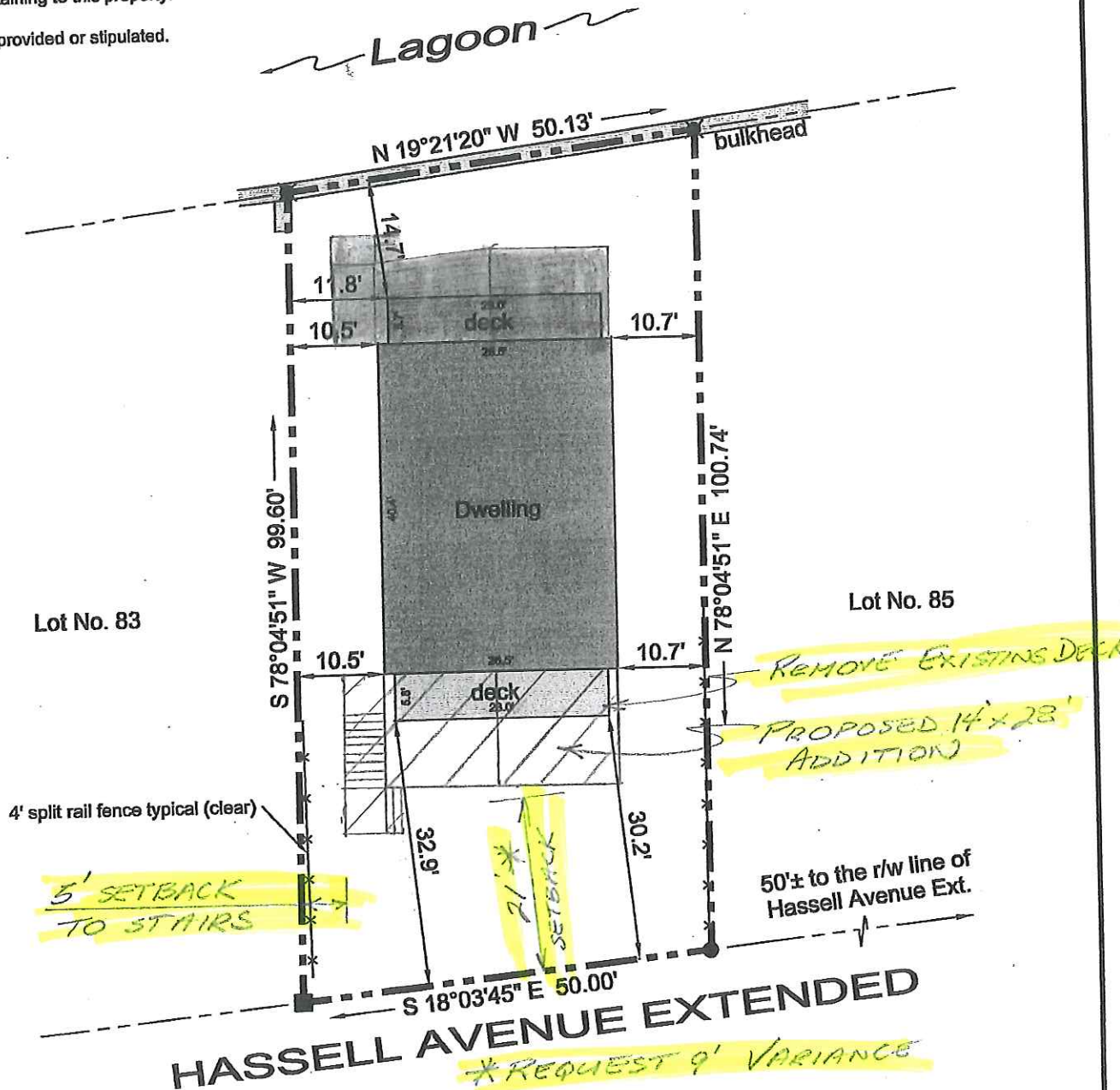
5. Minimum variance:

That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

The variance of 9' from the 30' front yard setback is the minimum that provides additional space for the master bath and closet space.

NOTES:

- Other than shown, this plat and survey does not verify the existence or nonexistence of right-of-ways and/or easements pertaining to this property.
- No title search provided or stipulated.



- 3/4" PIPE (FD)
- CONC. MON. (FD)
- ✕ PK NAIL (FD)

SCALE: 1"=20'

AREA: 4,979 SQ. FT.

TAX MAP NO. 1-34-20.11-22

Lands of KEVIN O'REILLY. Being known as
LOT NO. 84, SECOND ADDITION TO BAY
VIEW PARK. Ref: Plat Book 8, Page 25.

FIRM INFORMATION:
100029 - 0518 - L
MARCH 07, 2017
ZONE: "AE", B.F.E.= 6'
CLASS "B" SURVEY

SEAL

HUNDRED: BALTIMORE
COUNTY: SUSSEX
STATE OF DELAWARE
DATE OF ORIGINAL: 04/12/2017
DRAWN BY: MICHAEL LOVELAND

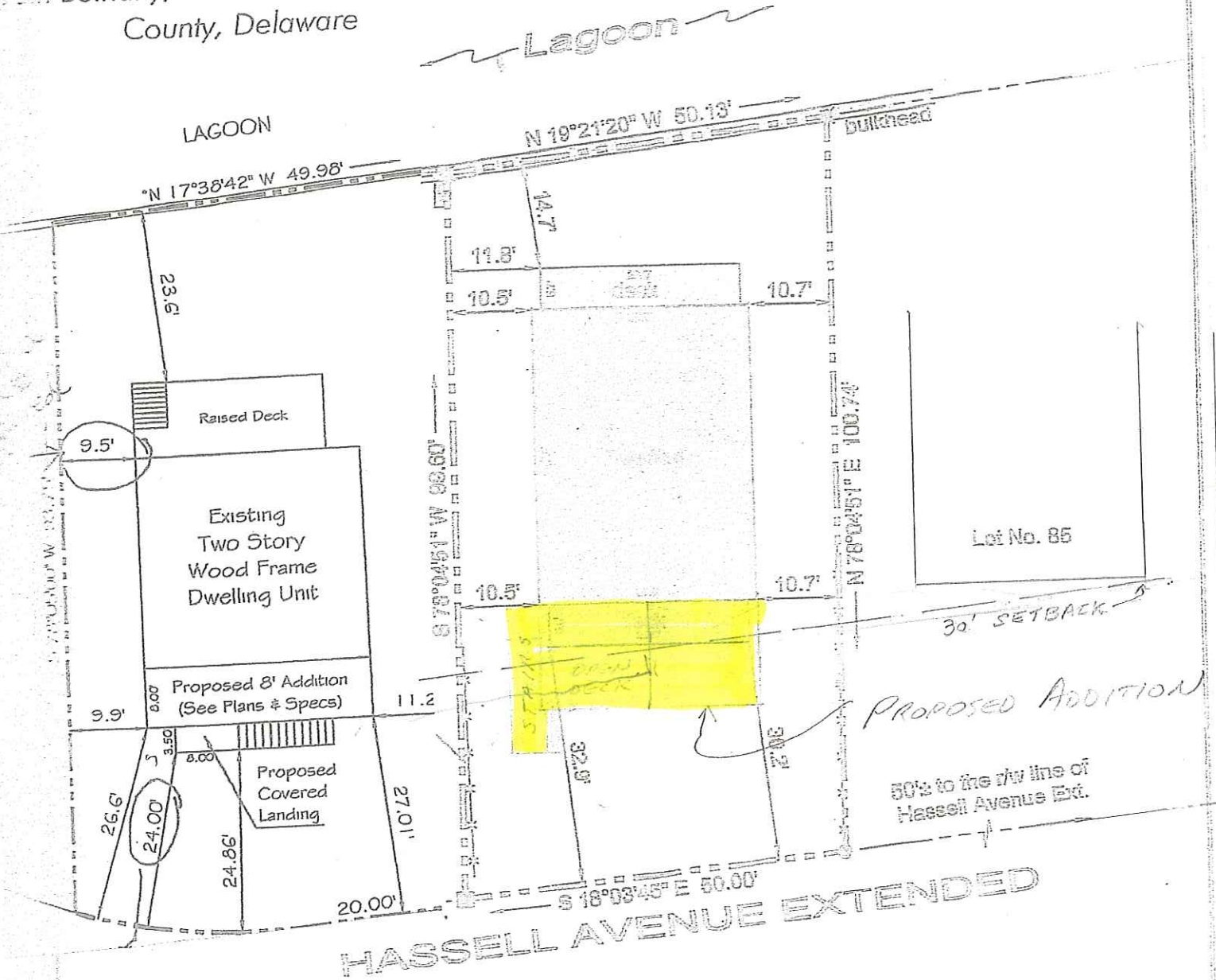
**SIMPLER
SURVEYING
& ASSOCIATE, INC.**

32486 POWELL FARM ROAD, FRANKFORD, DE 19945
www.delawaresurveyor.com
PHONE: (302) 539-7873 FAX: (302) 539-4336

Signature
04/13/17

P.L.S. 711

PROPERTY SURVEY PLAIN WITH IMPR
 Lands n/f Paul Szugaj and Carol
 Lot 83, Second Addition to Bay
 with Bethany, in Baltimore Hunda
 County, Delaware



- 3/4" PIPE (FD)
- CONC. MON. (FD)
- ✕ PK NAIL (FD)

SCALE: 1"=20'

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TAX MAP NO. 1-34-20.11-22

HUNDRED: BALTIMORE

COUNTY: SUSSEX

STATE OF DELAWARE

DATE OF ORIGINAL: 04/12/2017

DRAWN BY: MICHAEL LOVELAND

Lands of KEVIN O'REILLY. Being known as
 LOT NO. 84, SECOND ADDITION TO BAY
 VIEW PARK. Ref: Plat Book 8, Page 25.

FIRM INFORMATION:
 100029-0349-L
 MARCH 07, 2017
 ZONE: "AB", B.F.E.= 6'
 CLASS "B" SURVEY

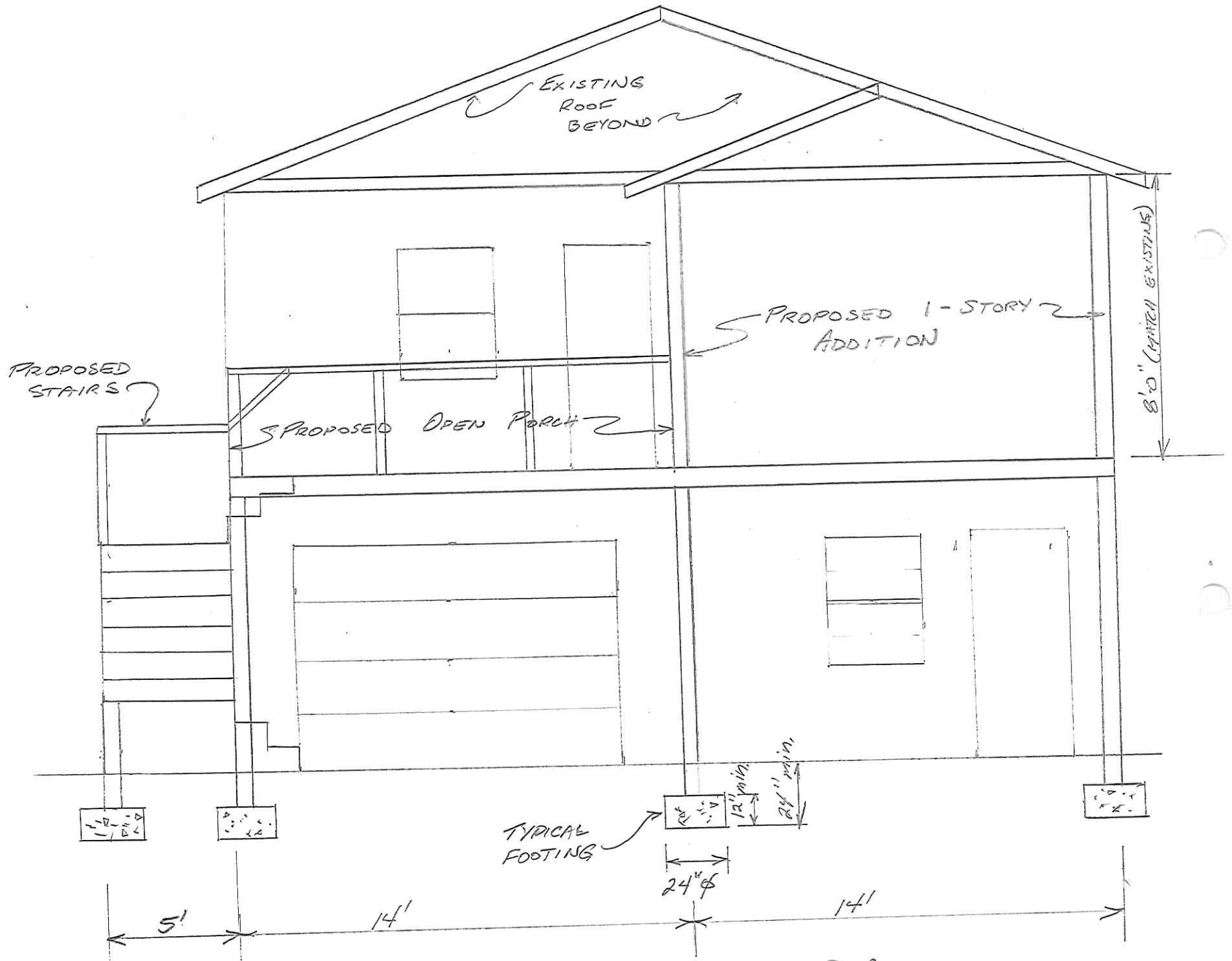
SEAL

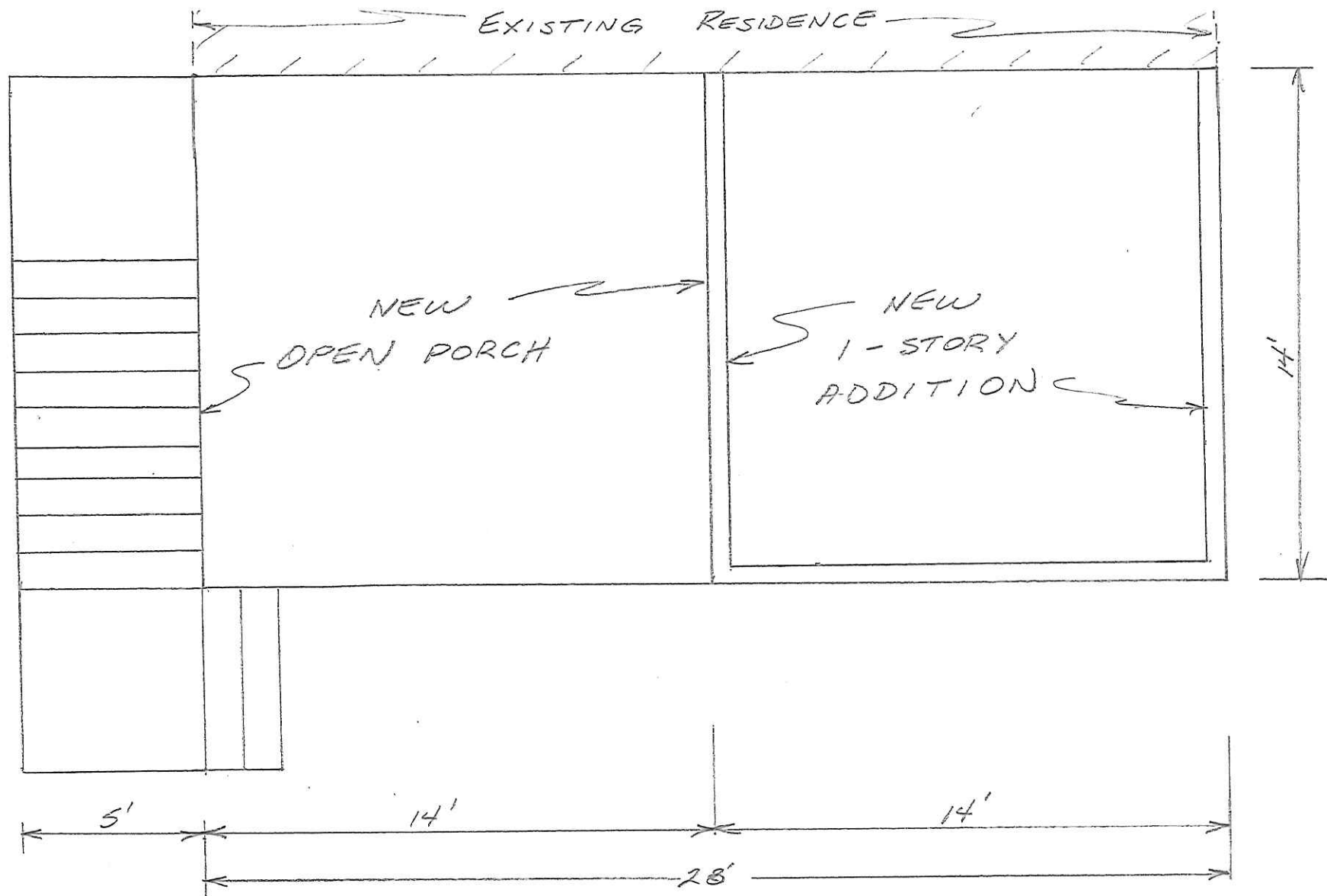
SIMPLER
SURVEYING
 & ASSOCIATE, INC.

33485 POWELL FARM ROAD, FRANKFORD, DE 19945
 www.delawaresurveyor.com

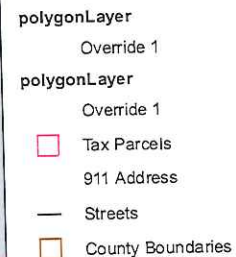
PHONE: (302) 539-7873 FAX: (302) 539-4336

P.L.S. 711

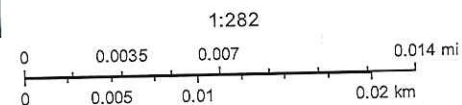




PROPOSED ADDITION LAYOUT



November 12, 2020



Ann Lepore

From: K OR <kporeilly2@gmail.com>
Sent: Wednesday, December 16, 2020 4:30 PM
To: Ann Lepore
Cc: Patricia Oreilly
Subject: Public Hearing Case No. 12509
Attachments: houses along hassell.jpg; looking south along backyard.jpg; backyards along bulkhead looking north.jpg; front of house.jpg; looking south along front yards.jpg; back of house.jpg; IMG_3044 (3).jpg; Hassell ext.jpg

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.

Please find attached information and pictures we hope will be helpful for the hearing.

More of our family is using the house. Trish just retired and the kids are virtual commuting. One bathroom for 3 bedrooms doesn't allow privacy and is overused. The 14' addition would provide additional space for a master bath, master bedroom and much needed closet space. This is the driver behind the 9' variance.

The front of the addition matches (or lines up with) the front of the adjacent house to the south. The house to the north is on a corner lot. This is not a long straight street with 20 or 30 homes where one home is sticking out from the rest of the homes and looks out of place. There are only 4 homes on the west side and 1 home on the east side of Hassell Ave ext.

Our lot is toward the end of Bayview Park and the end of Hassell Ave. There are many curves and turns before Hassell Avenue turns into Hassell Ave Extended. Some houses along Hassell Ave have less than 30' front yard setbacks. When turning onto Hassell Ave EXT from Hassell Ave the sight line to the addition does not feel like it is sticking out towards the road (see pictures that show line of sight of adjacent houses).

The roof line of the addition will match the roof line of the existing house. From the ground level to the addition this space is entirely open. Only the approximately 8' high 6x6 support posts go from the ground level to the addition.

In summary the situation for this addition is unique and will not alter the essential character of the neighborhood due to:

- Driving through the neighborhood along Hassell many homes are less than 30' setback from the road
- Our home is at the far end of Bayview Park and is the 3rd to the last of the 4 homes on the west side of Hassell ext.

- Hassell Ave angles away from our home and the 2 adjacent homes giving the perception that the front of our proposed addition matches the front of the adjacent house to the south even though the front setbacks from the road are different

The addition fits the character of the neighborhood and will be an upgrade to the current look of the front of the house.

We have talked with our immediate neighbors and have received positive feedback on the addition.

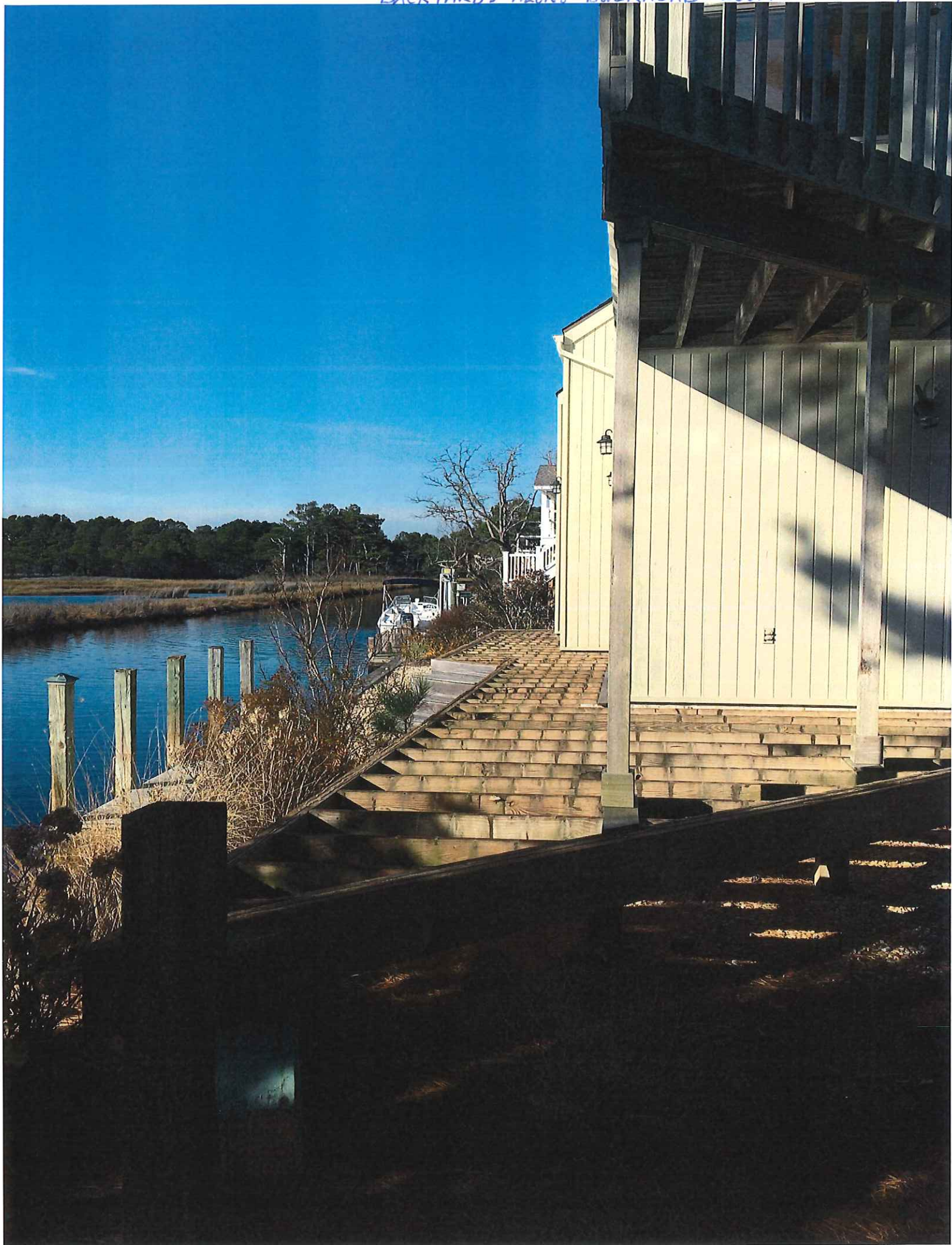
HOUSES ALONG HASSELL



LOOKING SOUTH ALONG BACKYARD



BACKYARDS ALONG BULKHEAD LOOKING NORTH



FRONT OF HOUSE



LOOKING SOUTH ALONG FRONT YARDS



BACK OF HOUSE

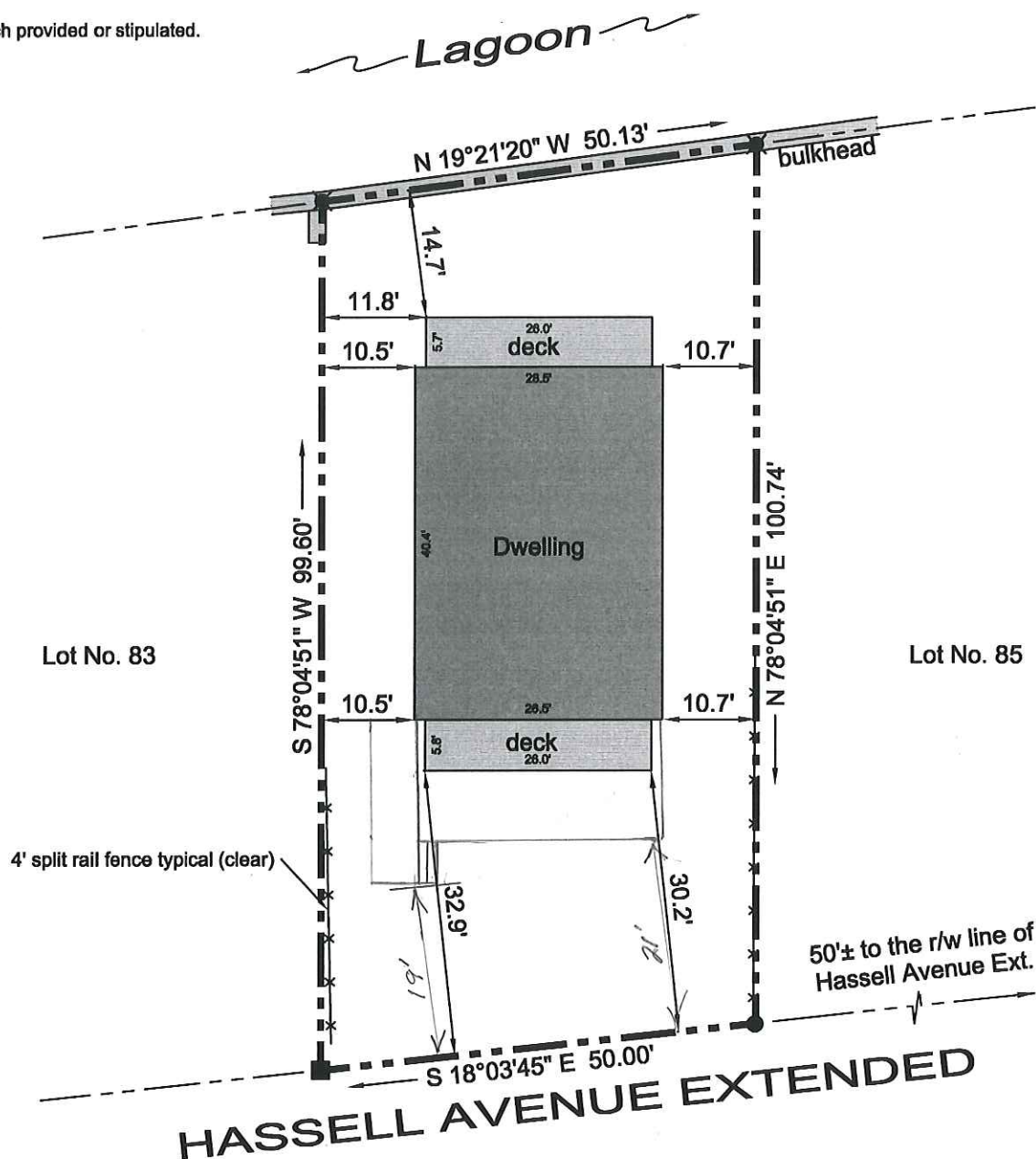


HASSELL EXT



NOTES:

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- No title search provided or stipulated.



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- CONC. MON. (FD)
- ✕ PK NAIL (FD)

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SEAL

HUNDRED: BALTIMORE

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STATE OF DELAWARE

DATE OF ORIGINAL: 04/12/2017

DRAWN BY: MICHAEL LOVELAND

**SIMPLER
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www.delawaresurveyor.com

PHONE: (302) 539-7873 FAX: (302) 539-4336

Signature: Michael Loveland
04/13/17

P.L.S. 711

**Board of Adjustment Application
Sussex County, Delaware**

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Case # 202013344
Hearing Date 1/4/2021
12510

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☒

Proposed ☐

Code Reference (office use only)

115-25 115-185

Site Address of Variance/Special Use Exception:

19553 W PINEY GROVE ROAD GEORGETOWN DE 19947

Variance/Special Use Exception/Appeal Requested:

6 FOOT FENCE BY AGRICULTURAL SURROUNDING AS PER COUNTY CODE
115-185. DUE TO HIGH WINDS AND BLOWING SNOW.

Tax Map #: 133-5.00-6.01

Property Zoning: _____

Applicant Information

Applicant Name: KEITH A. RUST

Applicant Address: 19553 W PINEY GROVE ROAD, PO BOX 567

City GEORGETOWN State DE Zip: 19947

Applicant Phone #: (302) 448-9063 Applicant e-mail: KARUST17@OUTLOOK.COM

Owner Information

Owner Name: KEITH A. RUST

Owner Address: 19553 W PINEY GROVE ROAD

City GEORGETOWN State DE Zip: 19947 Purchase Date: 5/10/20

Owner Phone #: (302) 448-9063 Owner e-mail: KARUST17@OUTLOOK.COM

Agent/Attorney Information

Agent/Attorney Name: _____

Agent/Attorney Address: _____

City _____ State _____ Zip: _____

Agent/Attorney Phone #: _____ Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

Date: 10/23/20



Criteria for a Variance: (Please provide a written statement regarding each criteria).

You shall demonstrate to the Board of Adjustment that the property meets all of the following criteria for a Variance to be granted.

In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance or Code. The Board is empowered in no case, however, to grant a variance in the use of land or structures thereon.

1. Uniqueness of property:

That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to circumstances or conditions generally created by the provisions of the Zoning Ordinance or Code in the neighborhood or district in which the property is located.

Our property is surrounded by fields on 3 sides (please see the photos). The fence does not affect any of the neighbors on the other side of us. Note: the county code says: the height limit does not apply to agricultural uses, screening. Please take into consideration that the fence is next to the farm land.

2. Cannot otherwise be developed:

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

A 3 1/2 foot fence would not take care of the winds during the winter, the wind blows the snow onto our driveway constantly, therefore we have to shovel multiple times to get in and out of the driveway. It also causes the snow to pile up against the front door of the house to where we can not open it sometimes. It freezes shut.

3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant.

We hired Breakwater Fence Company to build our fence. They failed to get the required permit. Also they didn't verify the regulations concerning the height of the fence.

4. Will not alter the essential character of the neighborhood:

That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

The fence is adjacent to the farm land owned by Conaway farms. We have talked to the owner Gary Conway. He has no problem with fence. The fence is 14 feet from the road which gives plenty of room to see oncoming traffic from both directions. It doesn't interfere with the flow of traffic.

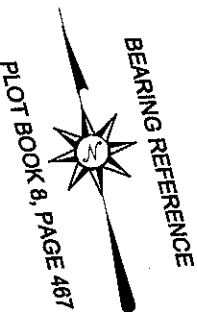
5. Minimum variance:

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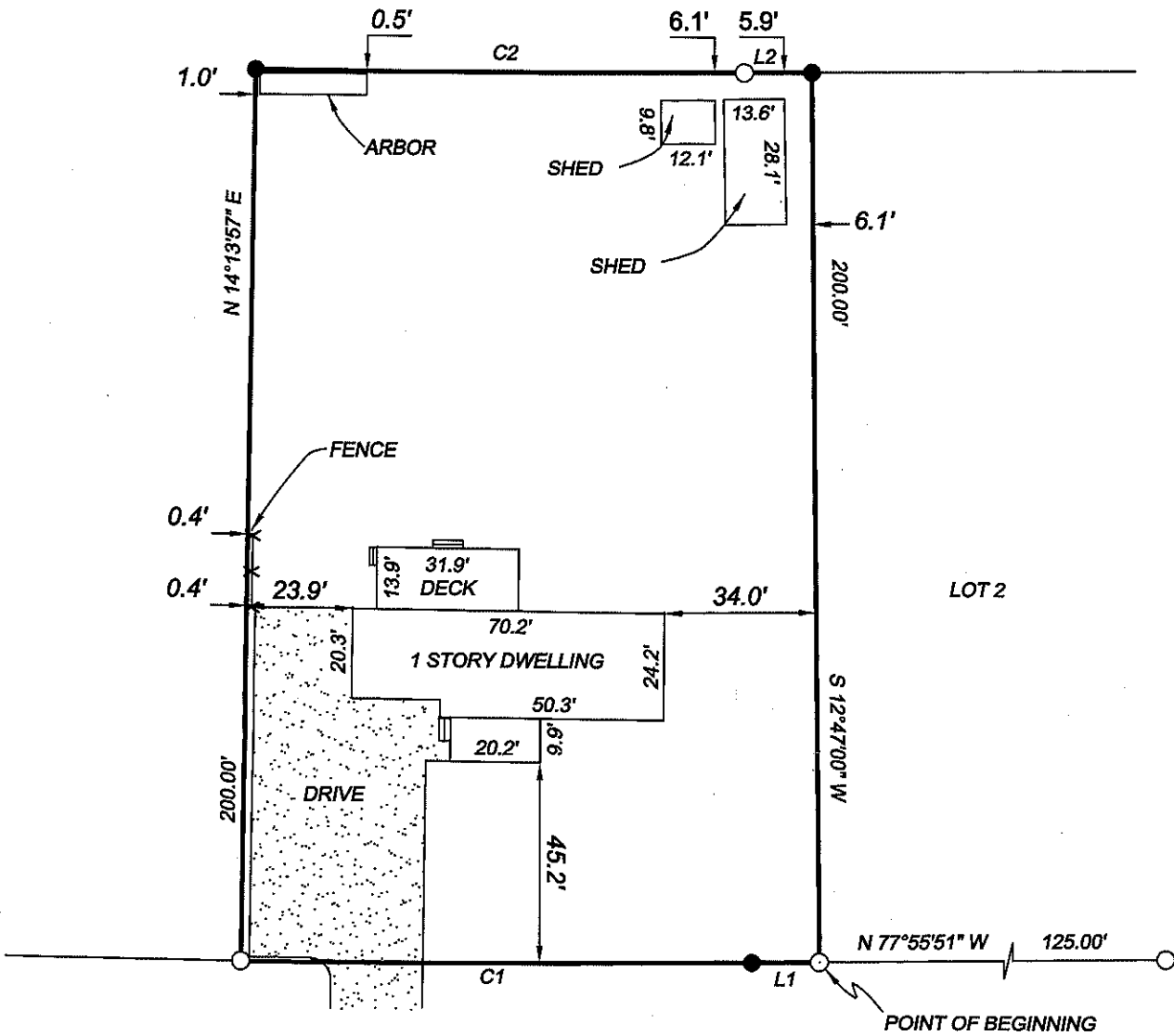
A 3 1/2 foot fence will not provide the relief needed from the 40 plus MPH winds and blowing snow. So we are applying for a variance to keep the 6 foot fence. If we had known that 6 foot fence would be a violation, we would have planted trees instead.

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	4546.43'	01°26'57"	115.00'	115.00'	N 76°29'31" W
C2	4346.43'	01°26'57"	109.93'	109.93'	S 76°29'31" E

LINE	BEARING	DISTANCE
L1	N 77°13'00" W	15.16'
L2	S 77°13'00" E	15.16'



LANDS N.O.F.
GARY L. CONAWAY, TRUSTEE
DEED BOOK 4075, PAGE 317



LEGEND:

- FOUND IRON PIPE
- FOUND IRON BAR

NOTES:

- SOURCE OF TITLE: DEED BOOK 5348, PAGE 129
- THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH
- ALL SETBACKS MUST BE VERIFIED BY THE HOMEOWNER AND/OR CONTRACTOR WITH THE APPROPRIATE REGULATORY AUTHORITY
- AREA: 25,524± SQ. FT.

COUNTY ROAD 329
(A.K.A. WEST PINEY GROVE ROAD)
(50' WIDE)

**BOUNDARY SURVEY PLAN
FOR
KEITH A. RUST
LOT 3, SHORT TRACT
19553 WEST PINEY GROVE ROAD
TAX MAP NO. 1-33-5.00, PARCEL 6.01
SURVEY CLASSIFICATION: SUBURBAN**

SITUATE IN: DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE

I, R.B. KEMP, III, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.



Karins and Associates
ENGINEERS • PLANNERS • SURVEYORS
NEWARK, DE • GEORGETOWN, DE
www.karinsengineering.com

17 POLLY DRUMMOND CENTER * SUITE 201
NEWARK, DELAWARE 19711
PHONE: (302) 369-2900

128 WEST MARKET STREET
GEORGETOWN, DELAWARE 19947
PHONE: (302) 856-6699

APPROVED:

[Signature]
R.B. KEMP, III, P.L.S. 541

CONSTABLE
LESTER R. SHAFFER
CHIEF COUNTY CONSTABLE
(302) 855-7819 T
(302) 855-7798 F



Sussex County
DELAWARE
sussexcountyde.gov

NOTICE OF VIOLATION

October 20, 2020

RUST KEITH A
PO BOX 32 *567*
GEORGETOWN, DE 19947

REFERENCE NUMBER: 4345
PARCEL: 133-5.00-6.01
PARCEL DESCRIPTION: RD 329 LOT 3
LOCATION: 19553 WEST PINEY GROVE ROAD GEORGETOWN

Violation: §115-224. Building without a permit.

The County Code requires a permit to be obtained for the placement or improvement of any structure. The permit will indicate the required setbacks for the structure or improvement.

On 10/20/2020 a site visit was conducted by the Sussex County Constable's Office. Based on observations made at that time, there is reason to believe a violation of the County Code exists on the above parcel and is described as:
Fence constructed on the property without a building permit.

Within five (5) business days, the owner or occupant is required to obtain a permit for the above described structure and shall discontinue all construction activity until a valid building permit has been issued. Failure to comply will result in a summons issued for you to appear in the Justice of the Peace Court or other court of competent jurisdiction as may be determined by Sussex County. Violations are subject to the remedies in the Sussex County Code outlined below, and such other remedies as may be available to Sussex County in law or in equity.

§ 115-229 Violations and penalties.

Any person or corporation who shall violate any of the provisions of this chapter or who shall fail to comply therewith or with any of the requirements thereof or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$100, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this

chapter shall be placed or shall exist and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who has assisted in the commission of any such violation shall be guilty of a separate offense and, upon conviction thereof, shall be fined as hereinbefore provided.

If you have questions regarding this violation, please contact the office to discuss. If you have any documentation that disputes the preliminary findings, please provide copies to the Planning & Zoning Department for their review. **Please include this notice with any documentation you present.**

The office is in the County Administration Building, 2 The Circle, Georgetown, Delaware. The office hours are 8:30AM – 4:30PM, Monday through Friday.

This Notice of Violation is being issued under the authority of the Sussex County Finance Director and Sussex County Planning and Zoning Director.

KELLY PASSWATERS
Sussex County Constable

CONSTABLE
LESTER R. SHAFFER
CHIEF COUNTY CONSTABLE

(302) 855-7819 T
(302) 855-7798 F



Sussex County
DELAWARE
sussexcountyde.gov

NOTICE OF VIOLATION

October 20, 2020

RUST KEITH A
PO BOX 32-567
GEORGETOWN, DE 19947

REFERENCE NUMBER: 4345
PARCEL: 133-5.00-6.01
PARCEL DESCRIPTION: RD 329 LOT 3
LOCATION: 19553 WEST PINEY GROVE ROAD GEORGETOWN

Violations: §115-185. Fence, wall or hedge height.

On 10/20/2020 a site visit was conducted by the Sussex County Constable's Office. Based on observations made at that time, there is reason to believe a violation of the County Code exists on the parcel described above.

The County Code requires any fence or wall for residential use, not more than 3 1/2 feet in height, may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard. Any fence, hedge or wall for residential use may project into or enclose other required yards, provided that such fences, hedges and walls do not exceed a height of seven feet. **This height limit does not apply to fences or walls used for commercial, industrial or agricultural uses, screening or tennis courts.** Every such fence must be approved by the Director of Planning & Zoning.

Within five (15) calendar days, the owner or occupant is required to obtain a permit for the above described structure. Failure to comply will result in a summons issued for you to appear in the Justice of the Peace Court or other court of competent jurisdiction as may be determined by Sussex County. Violations are subject to the remedies in the Sussex County Code outlined below, and such other remedies as may be available to Sussex County in law or in equity.

§ 115-229 Violations and penalties.

Any person or corporation who shall violate any of the provisions of this chapter or who shall fail to comply therewith or with any of the requirements thereof or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$100, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this chapter shall be placed or shall exist and any architect, builder, contractor, agent, person or

*Sussex County DE. Gov
App. Board of Adj. App.
855-7878
Dec 14*

corporation employed in connection therewith and who has assisted in the commission of any such violation shall be guilty of a separate offense and, upon conviction thereof, shall be fined as hereinbefore provided.

If you have questions regarding this violation, please contact the office to discuss. If you have any documentation that disputes the preliminary findings, please provide copies to the Planning & Zoning Department for their review. **Please include this notice with any documentation you present.**

The office is in the County Administration Building, 2 The Circle, Georgetown, Delaware. The office hours are 8:30AM – 4:30PM, Monday through Friday.

This Notice of Violation is being issued under the authority of the Sussex County Planning and Zoning Director.

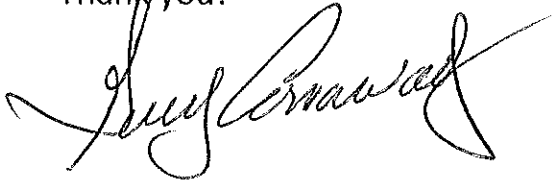
KELLY PASSWATERS
Sussex County Constable

12/05/2020

To whom it may concern,

I am the owner of farmland surrounding Keith Rust's property at 19553 W. Piney Grove Road, Georgetown De 19947. I do not have any problems with the fence in question. I have told him it looks great. If you have any questions, please contact me.

Thank you!

A handwritten signature in black ink, appearing to read "Gary Conaway". The signature is fluid and cursive, with a large, stylized "G" and "C".

Gary Conaway

Tel: 302 381 0971



PIN:	133-5.00-6.01
Owner Name	RUST KEITH A
Book	5348
Mailing Address	PO BOX 567
City	GEORGETOWN
State	DE
Description	RD 329
Description 2	LOT 3
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

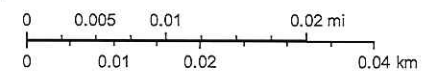
Override 1

☐ Tax Parcels

911 Address

— Streets

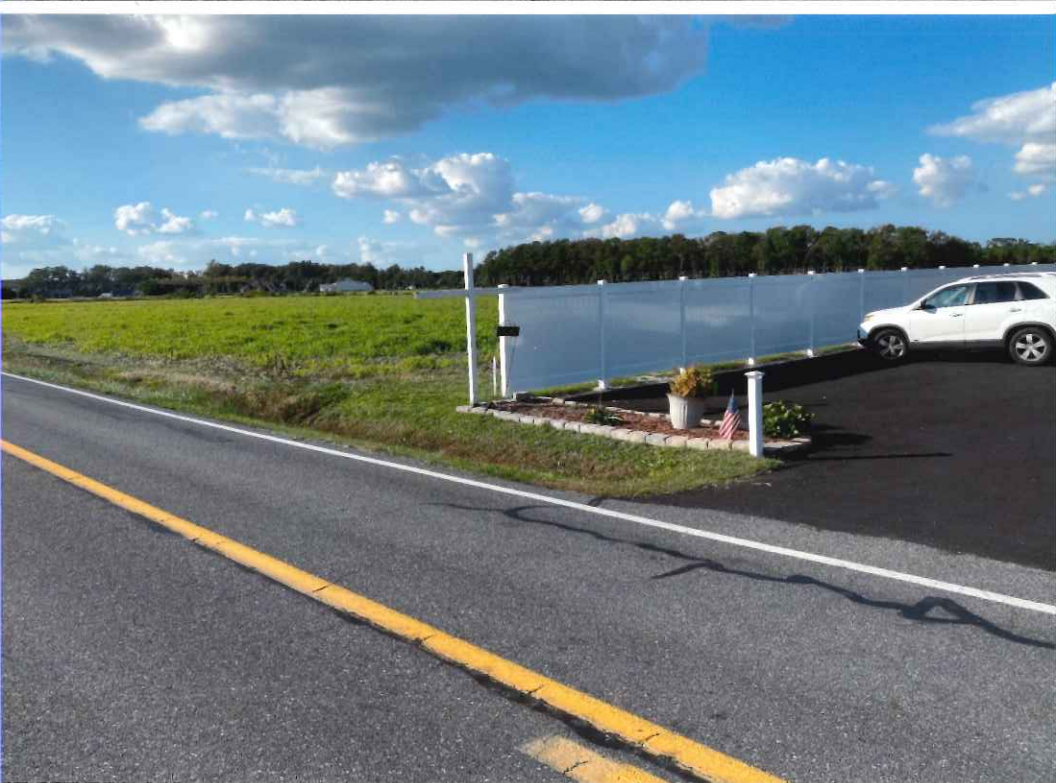
1:564











Board of Adjustment Application
Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Case # 12511
Hearing Date 1/4/21
2020 14977

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☒

Code Reference (office use only)

115-25

Site Address of Variance/Special Use Exception/

Lots #71 & 72, NORTH SHORES SUBDIVISION

Variance/Special Use Exception/Appeal Requested:

SEE EXHIBIT "A" Attached

Variances for lot area and width to reestablish two separate lots as originally existed

Tax Map #: 334-14.05-8.00

Property Zoning: AR-1

Applicant Information

Applicant Name: Nussbaum Q.P.R. Trust c/o Andrew Nussbaum, Trustee

Applicant Address: 10001 Windstream Drive, Apt. 906

City Columbia State MD Zip: 21044

Applicant Phone #: (301) 875-7522 Applicant e-mail: _____

Owner Information

Owner Name: SAME

Owner Address: _____

City _____ State _____ Zip: _____ Purchase Date: _____

Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: James A. Fuqua, Jr.

Agent/Attorney Address: 26 The Circle

City Georgetown State DE Zip: 19947

Agent/Attorney Phone #: (302) 228-3345 Agent/Attorney e-mail: jimf@fwsslaw.com

Signature of Owner/Agent/Attorney

James A. Fuqua, Jr.
James A. Fuqua, Jr.

Date: November 25, 2020



Criteria for a Variance: (Please provide a written statement regarding each criteria).

You shall demonstrate to the Board of Adjustment that the property meets all of the following criteria for a Variance to be granted.

In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance or Code. The Board is empowered in no case, however, to grant a variance in the use of land or structures thereon.

1. Uniqueness of property:

That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to circumstances or conditions generally created by the provisions of the Zoning Ordinance or Code in the neighborhood or district in which the property is located.

The two lots have always existed. The reestablished lots will be in character with other lots in the Subdivision.

2. Cannot otherwise be developed:

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

Without the variances the two lots can not be reestablished without the demolition of the existing residence which is unnecessary and not a reasonable use of the property.

3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant.

The Applicant's property was created as two lots and the variance will reestablish the two lots with a slight variation without demolishing the existing home.

4. Will not alter the essential character of the neighborhood:

That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

The subdivision reestablishing two lots will not alter the character of the neighborhood in that the two lots are substantially the same as the two lots created by the original development plot plan, are similar to other lots in the development and have the conditional approval of the North Shores HOA.

5. Minimum variance:

That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

The variance provides the required setback for the existing house and are slight changes from the original lot sizes.

EXHIBIT A

The intent of the variance is to reestablish Lot # 71 & 72 with a slightly modified interior lot line. The interior lot corners will remain the original lot corners.

The variance requests relief from the lot area and lot width requirements to permit:

Lot #71 – Area 15,840 square feet, lot width, approximately 80 feet

Lot #72 – Area 15,689 square feet, lot width, approximately 40 feet

These dimensions are a slight variation of the lot areas and widths as created by the original subdivision plot and avoid the unnecessary and wasteful demolition of the existing residence. Applicant has owned Lots 71 & 72 in the North Shores Subdivision since 1969. Lot #71 was improved by the construction of a single-family residence and a later addition to the residence. The addition was built partially on Lot #72 resulting in the two lots “merging” by operation of law. The Applicant wishes to convey one lot to each of her sons.

If the existing residence were demolished and removed, the two lots would be reestablished as two separate lots. However, the existing residence is structurally sound and functional, and demolition would be unnecessary and wasteful.

As a result, the Applicant requests variances that would relocate the interior boundary line between lots 71 & 72 to slightly alter the two lots area and width and would provide the required 15 foot side yard setback between the existing residence and the new interior lot line.

The requested variances are for lot area and lot width resulting in Lot #71 being 15,840 square feet with a width at the front setback line of approximately 80 feet and Lot #72 being 15,689 square feet with a width at the front setback line of approximately 40 feet.

The proposed lot areas and width are only slightly different than the original dimensions as provided when the subdivision plot was originally recorded in the Office of the Recorder of Deeds.

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	106.48'	55.00'	110°55'23"	N 26°37'09" W	90.61'
C2	31.08'	20.58'	86°32'24"	N 38°57'41" W	28.21'
C3	122.97'	200.00'	35°13'42"	S 35°50'52" E	121.04'
C4	99.44'	48.59'	117°15'23"	S 05°09'58" W	82.97'

T.M. #3-34-14.05-8.00

P.B. 8-830

YACHT
BASIN



C4

WOODEN BULKHEAD

YACHT CHANNEL

25' WIDE PARK AREA*
(P.B. 8-830)

A=93.00'

PROPOSED
PARCEL B
15,689 SQ. FT.
(BUILDABLE SPACE: 7,330 SQ. FT.)

EXISTING
DWELLING

PROPOSED
PARCEL A
15,840 SQ. FT.
(BUILDABLE SPACE: 6,996 SQ. FT.)

LOT #73

LOT #70

WOODEN FENCE (ON LOT #71)
PROPOSED PARCEL A BUILDING RESTRICTION LINE

PROPOSED
BOUNDARY
LINE

PROPOSED PARCEL B BUILDING RESTRICTION LINE

LEGEND:

- IRON PIPE (FOUND)
- IRON PIPE IN CONCRETE (FOUND)
- ▲ IRON ROD (TO BE SET)
- POINT

LINE	BEARING	DISTANCE
L1	N 85°34'30" E	7.97'
L2	S 22°23'03" E	18.28'

PROPOSED RESUBDIVISION &
RECONFIGURATION OF LANDS FOR
**GOLDIE Z. NUSSBAUM QUALIFIED
PERSONAL RESIDENCE TRUST**

TOTAL AREA: 31,529 SQ. FT.

REFERENCE: DEED BOOK 4574 PAGE 10

LOTS #71 & #72 OF "NORTH SHORES" SUBDIVISION
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY

STATE OF DELAWARE

AUGUST 6, 2018 SCALE: 1" = 40'

1,380'± TO R/W HARBOR RD.

EDGE OF PAVING

HOLLY ROAD/
ANCHOR ROAD

NOTES:

THIS PARCEL IS IN FLOOD ZONE: AE (B.F.E.: 5)
F.L.R.M.: 10005C0352K, MARCH 16, 2015
ALL RESTRICTIONS MUST BE VERIFIED BY THE HOME
OWNER, GENERAL CONTRACTOR AND/OR THE
DESIGNER. PLEASE CALL SUSSEX CO. (302-855-7720)
AND THE H.O.A. (MORE RESTRICTIVE SUPERSEDES).
THIS DRAWING DOES NOT VERIFY THE EXISTENCE
OR NON-EXISTENCE OF WETLANDS, UTILITIES,
RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO
OR LOCATED ON THIS PROPERTY.
NO TITLE SEARCH PROVIDED OR STIPULATED.
SURVEY CLASS: SUBURBAN

Prepared by:

FORESIGHT Services

Surveying & Precision Measurement

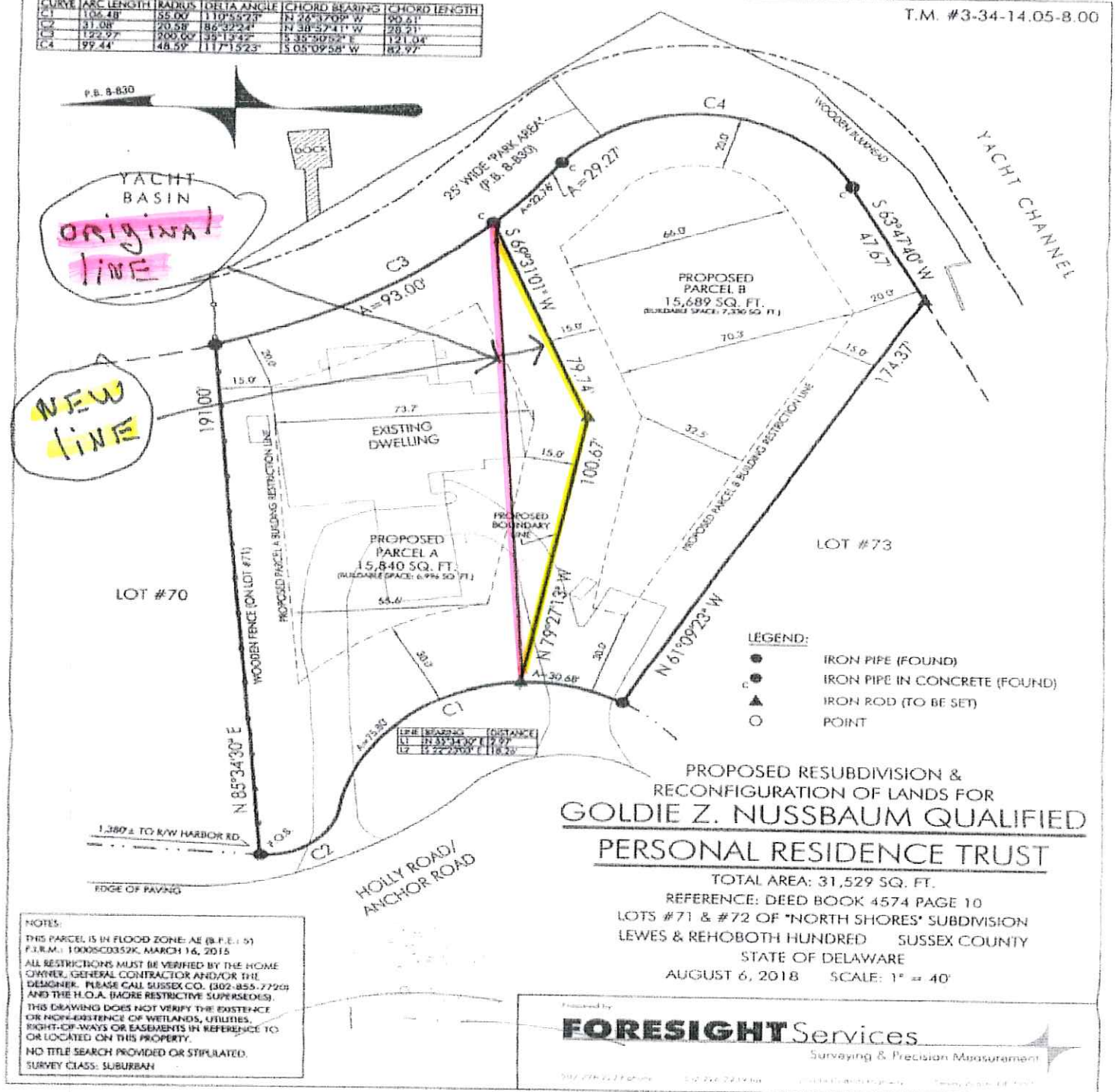
302.776.2229 phone

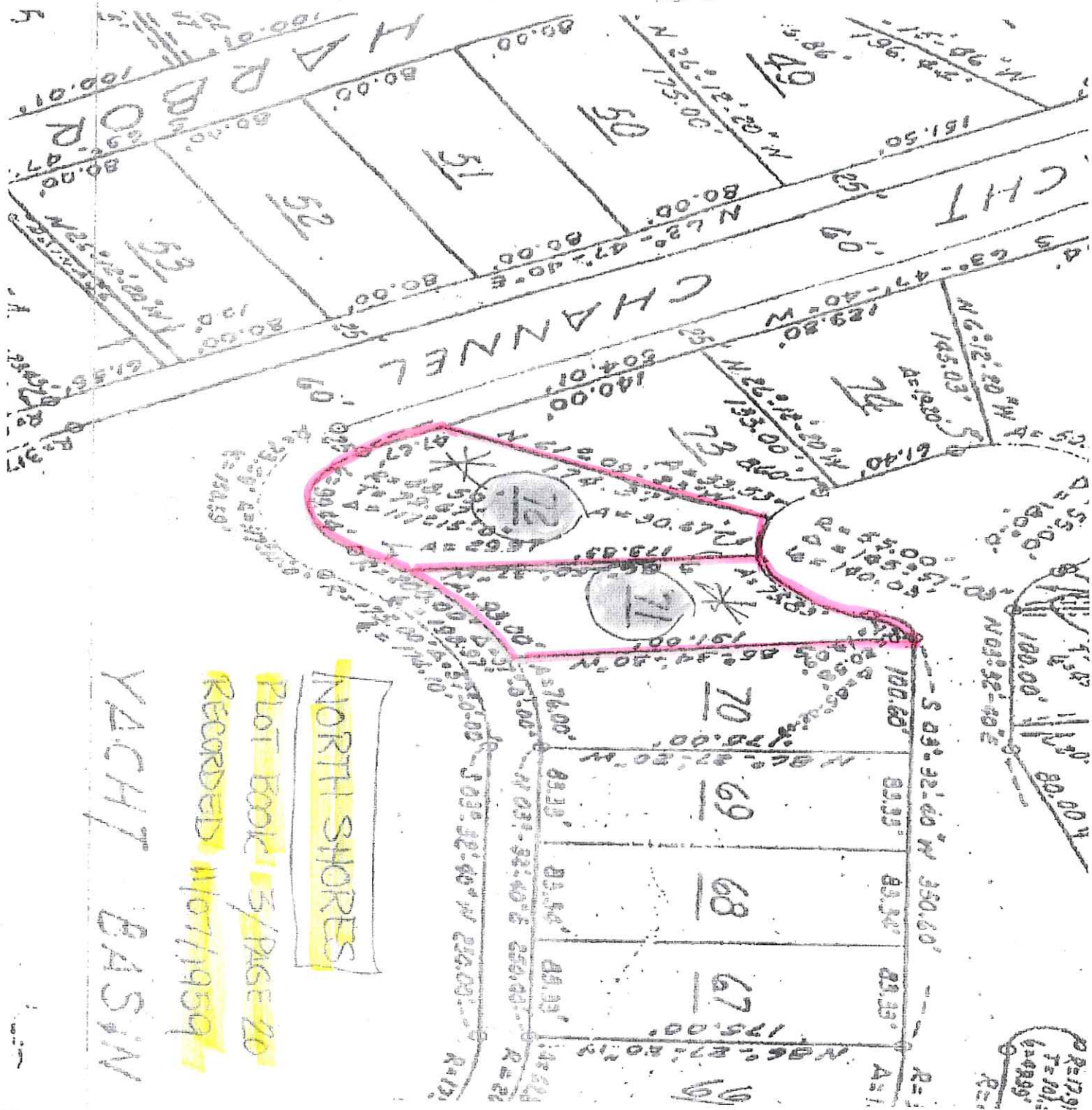
302.226.2219 fax

210 SA Chestnut Highway

Georgetown, DE 19921

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	105.48'	55.00'	110°55'23"	N 24°17'09" W	90.61'
C2	31.08'	20.58'	86°32'24"	N 38°37'41" W	29.21'
C3	122.97'	200.00'	35°13'42"	S 35°50'52" E	121.04'
C4	99.44'	48.59'	117°15'23"	S 05°09'58" W	82.97'



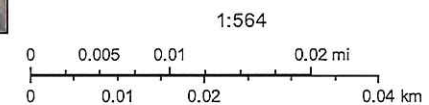




December 8, 2020

PIN:	334-14.05-8.00
Owner Name	NUSSBAUM GOLDIE Z TRUSTEE
Book	4574
Mailing Address	7208 WINDSOR LN
City	HYATTSVILLE
State	MD
Description	N/SH CIR AT END OF
Description 2	ANCHOR HOLLY RDS
Description 3	LOT 71 72 W/IMP
Land Code	

polygonLayer
Override 1
polygonLayer
Override 1
 Tax Parcels
911 Address
 Streets
 County Boundaries



Board of Adjustment Application
Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Case # 12512
Hearing Date 1/4/14
202015409

Type of Application: (please check all applicable)

Variance ☒
Special Use Exception ☐
Administrative Variance ☐
Appeal ☐

Existing Condition ☐
Proposed ☒
Code Reference (office use only)
115-42
115-183 115-185

Site Address of Variance/Special Use Exception:

36918 MALLARD DR. SELBYVILLE, DE 19975

Variance/Special Use Exception/Appeal Requested:

DUE TO SHED BEING LESS THAN 600 SQUARE FEET.
REQUESTING 3.42' VARIANCE.

Tax Map #: 5-33-12.16-141

Property Zoning: RESIDENTIAL
GR

Applicant Information

Applicant Name: KELLY + BRIAN EWING
Applicant Address: 36918 MALLARD DR.
City SELBYVILLE State DE Zip: 19975
Applicant Phone #: 443-829-6627 Applicant e-mail: born to travel@hotmail.com

Owner Information

Owner Name: KELLY + BRIAN EWING
Owner Address: 36918 MALLARD DR.
City SELBYVILLE State DE Zip: 19975 Purchase Date: 2012
Owner Phone #: 443-829-6627 Owner e-mail: born to travel@hotmail.com

Agent/Attorney Information

Agent/Attorney Name: N/A
Agent/Attorney Address: _____
City _____ State _____ Zip: _____
Agent/Attorney Phone #: _____ Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

Kelly Ewing

Date: 11/23/2020



Criteria for a Variance: (Please provide a written statement regarding each criteria).

You shall demonstrate to the Board of Adjustment that the property meets all of the following criteria for a Variance to be granted.

In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance or Code. The Board is empowered in no case, however, to grant a variance in the use of land or structures thereon.

1. Uniqueness of property:

That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to circumstances or conditions generally created by the provisions of the Zoning Ordinance or Code in the neighborhood or district in which the property is located.

PLEASE SEE ATTACHED.

2. Cannot otherwise be developed:

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant.

4. Will not alter the essential character of the neighborhood:

That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

5. Minimum variance:

That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

CRITERIA FOR VARIANCE – 36918 Mallard Dr. Selbyville, DE

1. Uniqueness of Property:

The lot is narrow and we have water access. There is limited space on the side of the house where the shed is projected to go and it is the only area that does not have existing concrete, parking, yard, and/ or landscaping. There are also utility/electrical boxes, vents, and AC/Heating units that cannot be moved on that side. We do not want to block any windows due to safety and natural sunlight.

2. Cannot otherwise be Developed:

We are unable to change the size and shape of the lot or move the house. The side of the house that we are requesting the variance has the most space. There are windows, AC/Heating units, vents, shared sub-ground electrical meter, and utility boxes on the side of the house that prevent certain areas on that side. However, the area on this side of the house does have the most room to allow the shed to fit. Placing it at this location will allow us to do so without blocking any windows, utilities, disturbing existing concrete, grass, and landscaping. One side of our house faces the water and there is no room for a shed and we do not want to put our storage that close to the water in case of flooding. The opposite side of the house has our decks and doors to enter our home, existing yard which is the only grass we have and landscaping. We would have to modify sidewalks, decks, and landscaping on this side. The front of our home facing Mallard Drive is our only parking area that we need because we do not have on street parking.

3. Not created by the Applicant:

We did not create the size and layout of the lot and cannot change its dimensions. We are relocating for work to Delaware as full-time residents and a shed is critical for our move because we need storage. We do not have a garage on our property and are limited in storage. The shed will allow us to keep our belongings at our property and not have to locate and pay for an offsite storage unit.

4. Will not alter the essential character of the neighborhood:

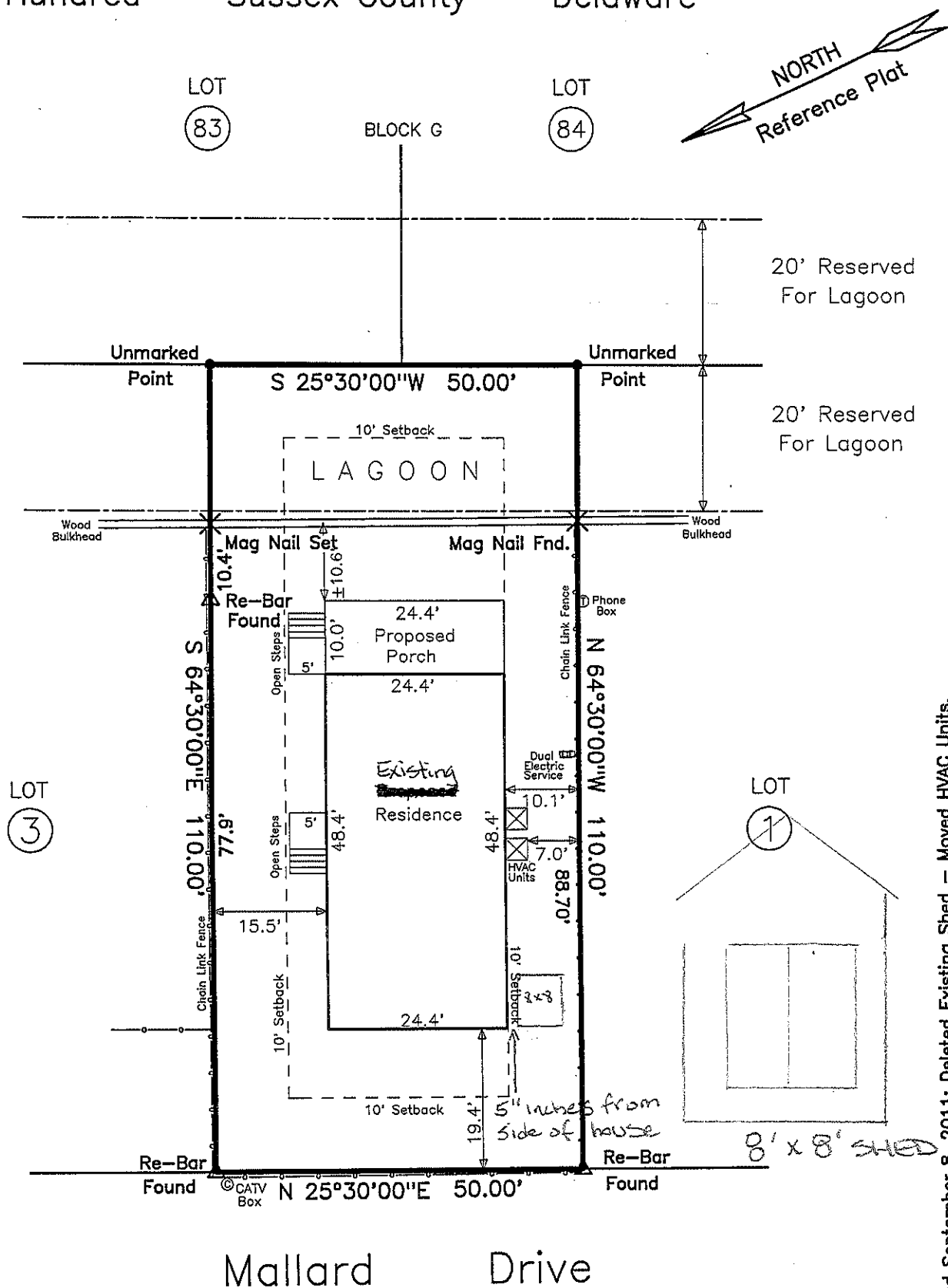
The new shed and its location will not alter the neighborhood. The majority of the sheds in the community are on the property lines or very close to the property lines. The plan is to construct a shed that will match our house to give a nice curb appeal, including color of siding and shingles. The shed will have vinyl siding to match with the roof and the trim will also match. With the variance, our next door neighbor is still able to move around their property. We have spoken to them and they are fine with the placement. Please see letter and photos.

5. Minimum Variance:

We are requesting to put an 8' x 8' shed in this area. This shed is less than 600 square feet, so our setback is 5'. We have stone at the base of the home which sticks out approximately 5" and the shed is 8 feet wide. We are requesting the variance for 3.42' from the property line. We tried different sizes to make the width smaller and extend the shed to be longer, but this is not possible because of a window, a vent, and utility boxes, that of which none can be moved. We do not want to block the window for safety reasons and obstruction of natural lighting.

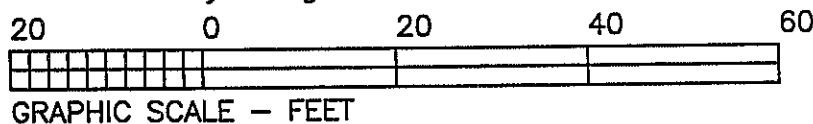
Survey – Site Plan: Lot 2, Block H, Section B, Swann Keys
Baltimore Hundred Sussex County Delaware

This Property Is Situated In Flood Zone AE, Elevation 5,
As Shown On F.I.R.M. # 10005C0655J, Dated 01/06/2005.



Signature *Kelly Ann Bruni*

Zoning: GR County Setbacks Shown.
Area Of Survey: ± 5,500 Sq. Feet
Area Of Fast Land: ± 4,425 Sq. Feet
Reference Plat: Swann Keys
Plat Book 14 / Pages 99 & 100
Tax Map Reference: 5-33-12.16-141
Class B Survey August 11, 2011



GRAPHIC SCALE – FEET

Lawrence R. Long
LAWRENCE R. LONG (Valid In Red-ink Only)
Professional Land Surveyor
DELAWARE #543 MARYLAND #10961

COUNTY AND/OR SUBDIVISION BUILDING SETBACKS
ARE TO BE CONFIRMED PRIOR TO THE START OF
CONSTRUCTION.

THIS DRAWING DOES NOT VERIFY THE
EXISTENCE OR NON-EXISTENCE OF
RIGHT-OF-WAYS, OR EASEMENTS IN
REFERENCE TO THIS PROPERTY.
NO TITLE SEARCH PROVIDED OR STIPULATED.

LAWRENCE R. LONG
Professional Land Surveyor, LLC.

36079 Bayard Road
Frankford, DE 19945
PHONE: 302-436-8361

Land Surveying Services
DELAWARE / MARYLAND

Revised September 8, 2011: Deleted Existing Shed – Moved HVAC Units.
Revised August 17, 2011: Moved Building To +/- 10.6' Of Bulkhead



Shed will be as close to side of house as possible – approx. 5" away from house due to stone wall on house. Shed will set beyond concrete.

Shed

willie716 <willie716@verizon.net>

Thu 11/26/2020 10:22 AM

To: Borntotravel@hotmail.com <Borntotravel@hotmail.com>

Cc: willie514@verizon.net <willie514@verizon.net>

To whom it may concern:

We live at 37631 Swann Dr, the corner of Mallard and Swann, and do not have an issue with our nextdoor neighbors building a shed on our side of their property. They explained the location and style of shed to us.

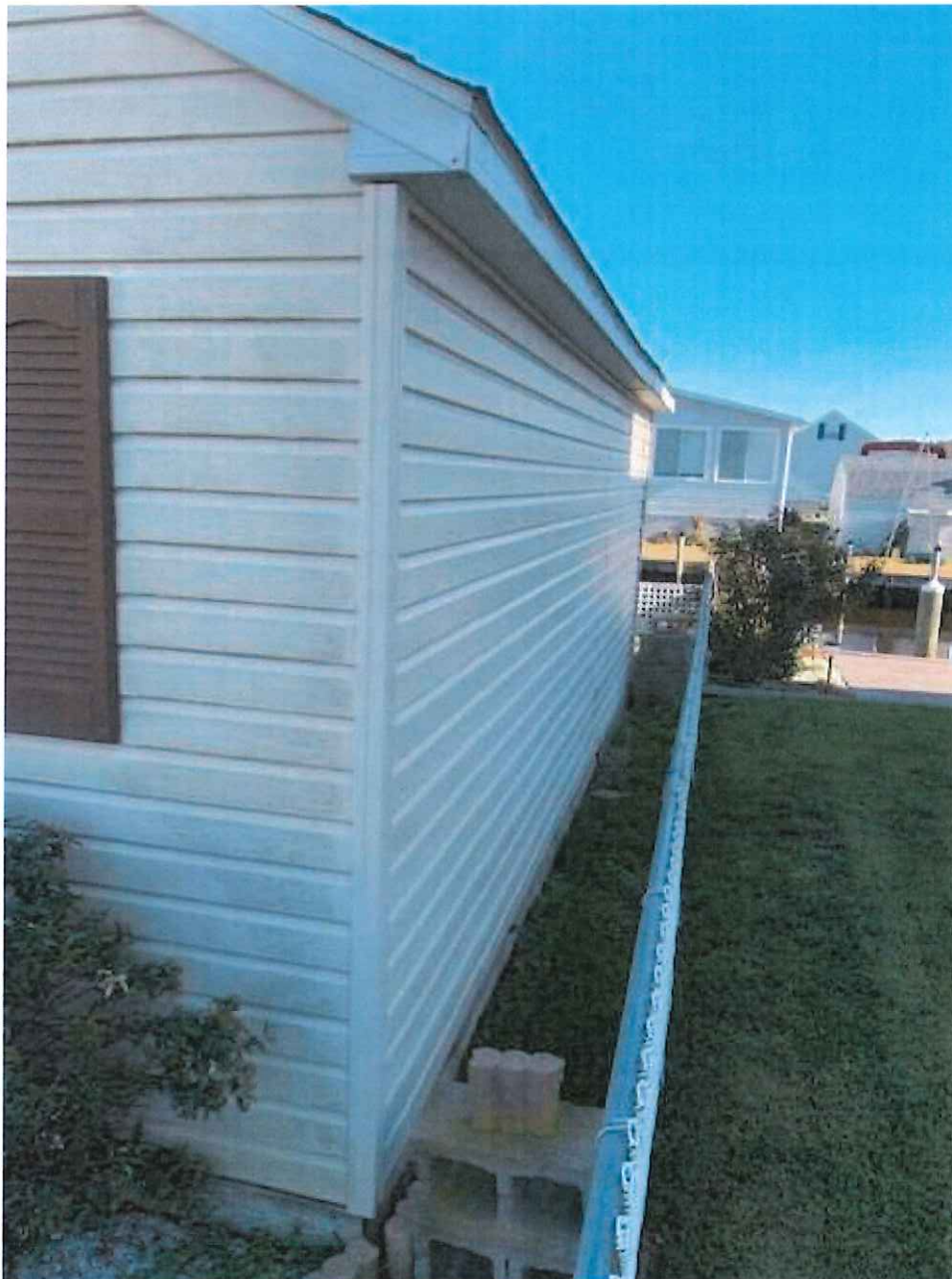
Bill and Lisa Willie

Sent from my Verizon, Samsung Galaxy smartphone

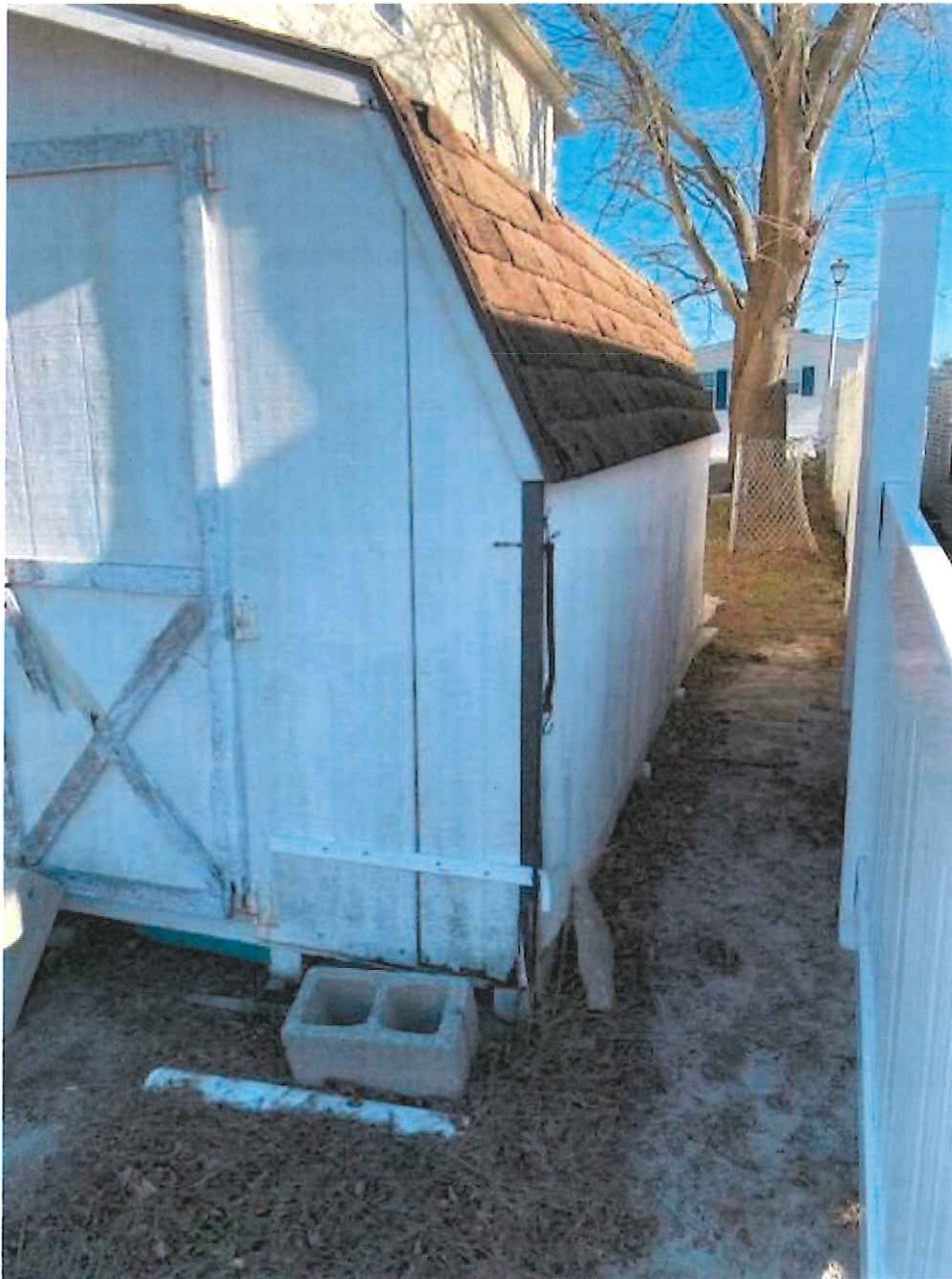
LETTER FROM NEIGHBOR TO THE
RIGHT OF THE PROPOSED AREA.



Style of shed but will have vinyl siding to match the color of the house



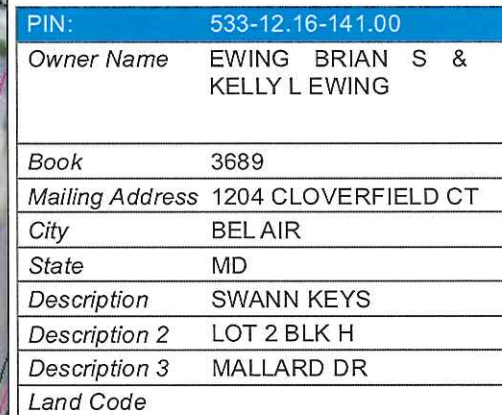
NEIGHBORS WITH SHEDS
CLOSE TO PROPERTY LINE



NEIGHBOR WITH SHED
CLOSE TO PROPERTY LINE





NEIGHBOR WITH SHEDS
CLOSE TO PROPERTY LINE




polygonLayer
Override 1

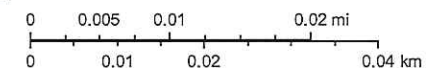
polygonLayer
Override 1

 Tax Parcels
911 Address

 Streets

 County Boundaries

1:564



**Board of Adjustment Application
Sussex County, Delaware**

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Case # 202015196
Hearing Date 1/25/2021
12513

Type of Application: (please check all applicable)

Variance ☒

Special Use Exception ☐

Administrative Variance ☐

Appeal ☐

Existing Condition ☐

Proposed ☒

Code Reference (office use only)

115-42 115-182
115-185

Site Address of Variance/Special Use Exception:

27772 Oak Meadow Drive, Millsboro, Delaware, 19966

Variance/Special Use Exception/Appeal Requested:

1) Enclose the rear yard with a 6' fence on rear property boundary, and 48" chain link fence from the rear to dwelling. 3) Install pool inside proposed fenced area in rear of property. 4) install deck around pool. 5) Build an 14' by 40' addition (which is outside the setback)

Tax Map #: 234-29.00-117

Property Zoning: GR

Applicant Information

Applicant Name: Sheldon Berger

Applicant Address: 27772 Oak Meadow Drive,

City Millsboro State DE Zip: 19966

Applicant Phone #: (717) 487-1832 Applicant e-mail: sheldonberger7@gmail.com

Owner Information

Owner Name: Sheldon Berger

Owner Address: 27772 Oak Meadow Drive

City Millsboro State DE Zip: 19966 Purchase Date: 10/4/19

Owner Phone #: (717) 487-1832 Owner e-mail: sheldonberger7@gmail.com

Agent/Attorney Information

Agent/Attorney Name: _____

Agent/Attorney Address: _____

City _____ State _____ Zip: _____

Agent/Attorney Phone #: _____ Agent/Attorney e-mail: _____

Signature of Owner/Agent/Attorney

Sheldon Berger
Sheldon Berger

Date: 11/19/20



Criteria for a Variance: (Please provide a written statement regarding each criteria).

You shall demonstrate to the Board of Adjustment that the property meets all of the following criteria for a Variance to be granted.

In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance or Code. The Board is empowered in no case, however, to grant a variance in the use of land or structures thereon.

1. Uniqueness of property:

That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to circumstances or conditions generally created by the provisions of the Zoning Ordinance or Code in the neighborhood or district in which the property is located.

Lot 117 is a through lot with a road in both front and rear. The rear 40' setback (due to Oak Meadow Road) along with the front setback of 30' (due to Oak Meadow Drive). The double setbacks make it exceptionally difficult to enclosure the rear yard for the dog and pool.

2. Cannot otherwise be developed:

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

Refer to separate sheet for detailed response.

3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant.

The difficulty was created by a road in the front with setback and a second road in the rear with additional setback.

4. Will not alter the essential character of the neighborhood:

That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

Refer to separate sheet for detailed response.

5. Minimum variance:

That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Refer to separate sheet for detailed response.

Sheldon and Sharon Berger
27772 Oak Meadow Drive,
Millsboro, Delaware, 19966
Board Of Adjustment Application:
Criteria for a Variance:

1. Uniqueness of Property:

- A) Lot 117 is a through lot with a road in both front and rear. The rear 40' setback (due to Oak Meadow Road) along with the front setback of 30' (due to Oak Meadow Drive). The double setbacks make it exceptionally difficult to enclosure the rear yard for the dog and pool.

2) Cannot otherwise be developed:

- a. 6' fence on rear: The 6' fence across the rear of the property is needed to cut down on the noise from the heavily traveled road in the rear. The neighboring properties at 27760, 27754 and 27748 already have 6' fences across the rear of their properties. Figures 1,2,3,4,5,&6.
- b. 48" fence on sides: We are proposing a pool. Code requires a minimum height of 48" fence around a pool. We are requesting 48" fence around the remaining (3) sides of the yard to meet this code requirement.
- c. Pool: minimum setback for a pool in much of the county is 10', however, the setback to the rear of our through lot is 40'. We are requesting a pool at 21'. The neighboring property at 27856 oak meadow drive has a pool in the rear yard. Google earth measurements for the pool at 27856 to the property boundary line is approximately 21'. Figure 3, 4,5&7.
- d. Deck: We are proposing a deck between the pool and residence. Refer to site plan.
- e. Addition: We are proposing a 14' x 40' addition.

3) Not created by the applicant: The setbacks were not created by us.

4) Will not alter the essential character of the neighborhood:

- a. 6' fence: neighbors at 27760, 27754, 27748 and 27856 Oak Meadow Drive have 6' fences across the rear of their properties. Figures 1,2,3,4,5,6&7.
- b. 48" fence: Multiple adjacent properties have fences on side yards higher than 42":
 - 1. 27865: 6' fence on side yard and connect to the residence. Figure 4&5.
 - 2. 27760: 6' fence on portion of side yard. Figure 1.

5) Minimum Variance:

- a. 6' fence: A 6' fence is needed to cut down on the road noise. The neighboring properties at 27760, 27754 and 27748 also have 6' fences across the rear of their properties. Figures 1,2,3,4,5,&6. On the rear of the property, we are asking for 2 1/2' adjustment over the 42" restriction.
- b. 48" fence: code requires a minimum height of 48" fence around a pool. We are requesting 48" fence around the remaining (3) sides of the yard to meet this requirement. On the remaining (3) sides of the property, we are asking for 6" adjustment over the 42" restriction.
- c. Deck: We are proposing a deck between the pool and the residence. Refer to site plan. The deck would be 30' from the property line. We are asking for 10' adjustment over the 40' restriction.

Sheldon and Sharon Berger
27772 Oak Meadow Drive,
Millsboro, Delaware, 19966
Board Of Adjustment Application:
Criteria for a Variance:

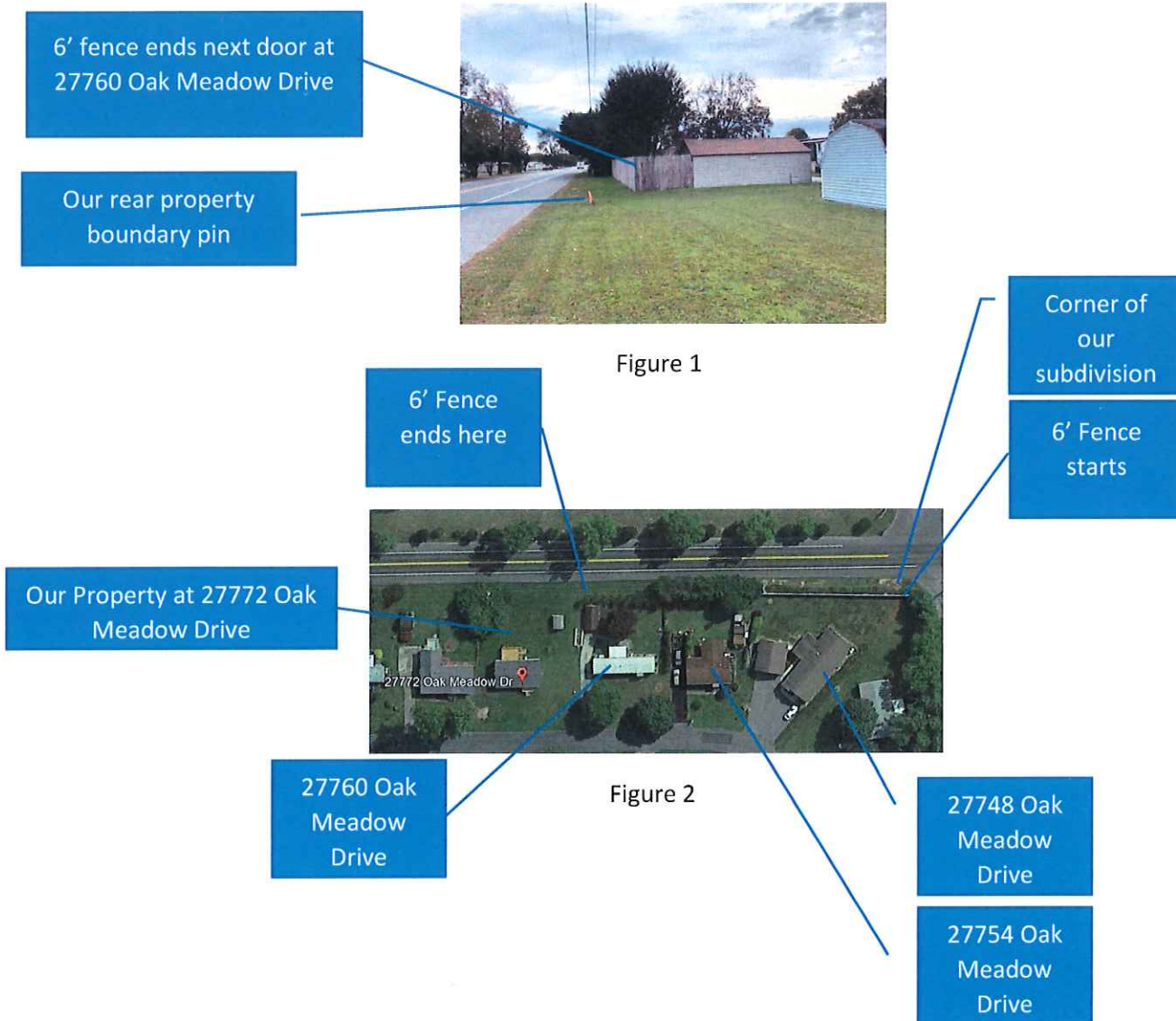
Minimum Variance (cont.):

- d. Addition: We are proposing a 14'x40' addition. This addition is outside of all setbacks.
- e. Pool: We are proposing an above ground oblong pool: 18' wide and 33' long. We purposely chose a narrow pool to obtain a larger setback of 21' (when compared to a 33' round pool with a 15' setback). For the above ground pool, we are asking for a 19' adjustment over the 40' restriction. Setback for pools in much of the county is 10' from the property line.

Sheldon and Sharon Berger
27772 Oak Meadow Drive,
Millsboro, Delaware, 19966
11/24/20
Board Of Adjustment Application:

Proposed 6' fence for rear yard

There is a very busy and noisy road to the rear of the property, Oak Meadow Road. There is a 6' fence line that starts at the corner of our subdivision and ends at our property boundary. This fence crosses (3) properties.



Sheldon and Sharon Berger
27772 Oak Meadow Drive,
Millsboro, Delaware, 19966
11/24/20
Board Of Adjustment Application:

The
neighboring
property at
27856 oak
meadow drive

6' fence and pool
located at 27856 Oak
Meadow Drive
(10 doors away)



Pool: google earth
measurement=
26' from roadway
(21' from property line)

Figure 3

6' fence located at
27856 Oak Meadow
Drive



Figure 4

Sheldon and Sharon Berger
27772 Oak Meadow Drive,
Millsboro, Delaware, 19966
11/24/20
Board Of Adjustment Application:

Pool located at
27865 Oak
Meadow Drive



Figure 5

Sheldon and Sharon Berger
27772 Oak Meadow Drive,
Millsboro, Delaware, 19966
11/24/20
Board Of Adjustment Application:



Figure 6

27760 Oak
Meadow
Drive

27754 Oak
Meadow
Drive

27748 Oak
Meadow
Drive

Sheldon and Sharon Berger
27772 Oak Meadow Drive,
Millsboro, Delaware, 19966
11/24/20
Board Of Adjustment Application:

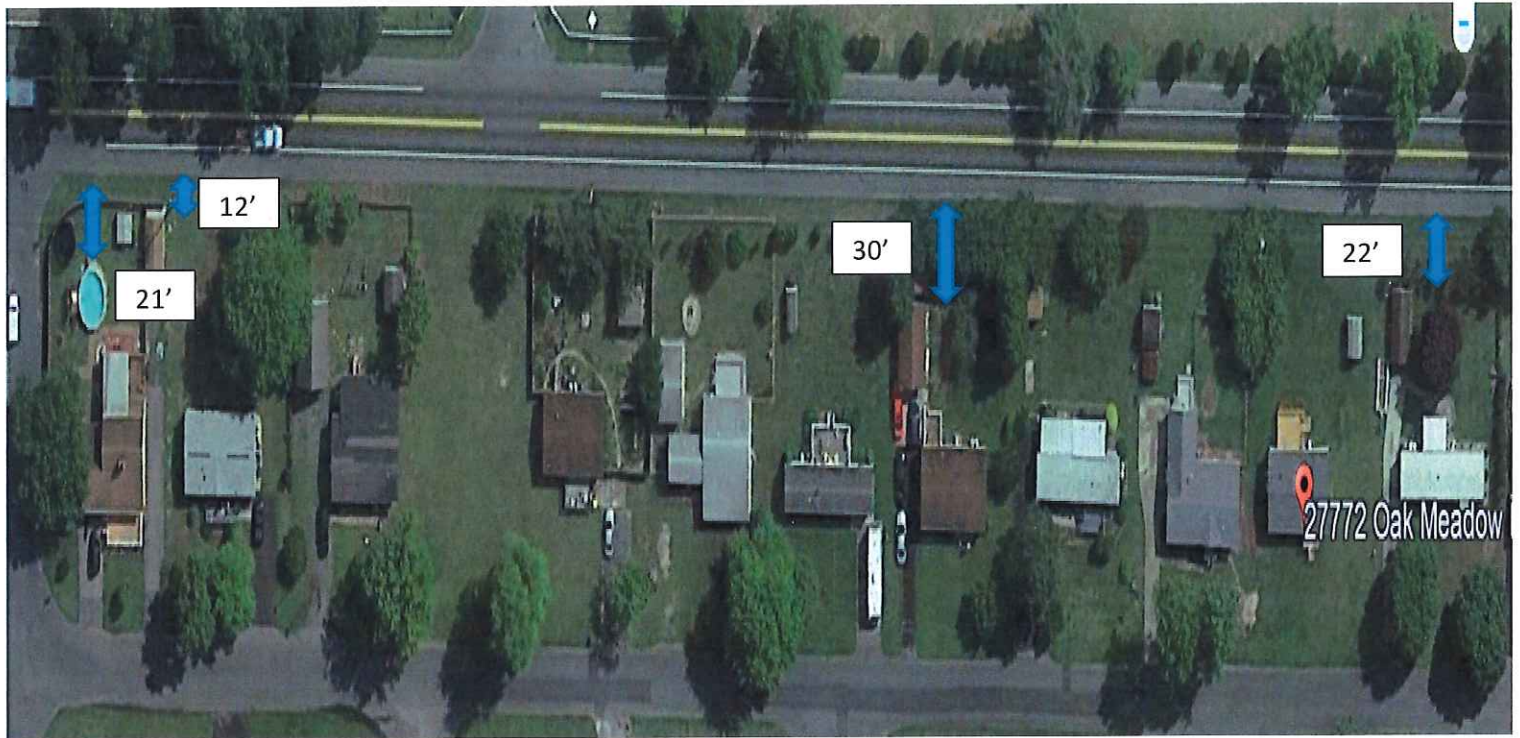
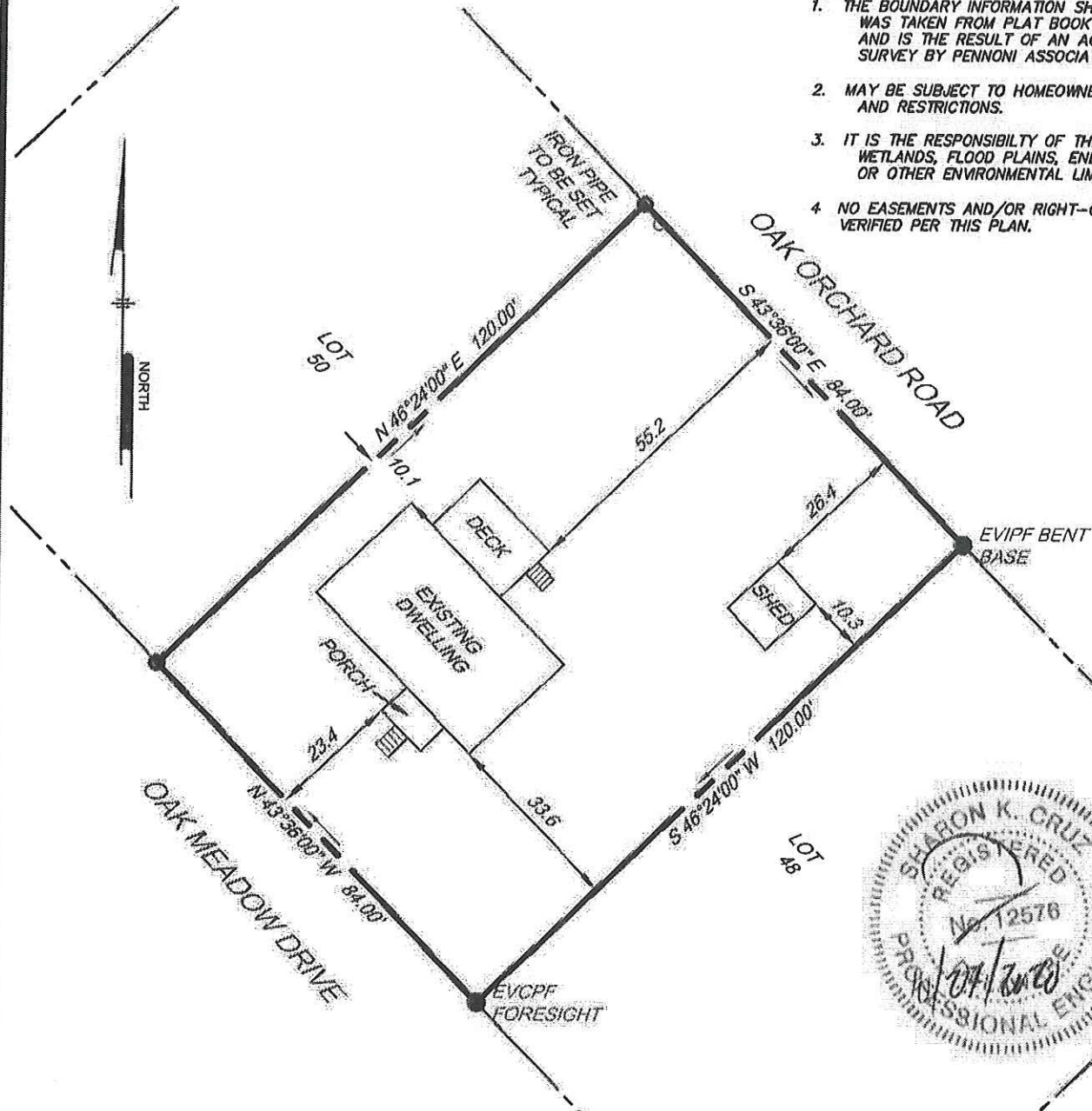


Figure 7

NOTES

1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM PLAT BOOK 8, PAGE 630 AND IS THE RESULT OF AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES INC..
2. MAY BE SUBJECT TO HOMEOWNER'S COVENANTS AND RESTRICTIONS.
3. IT IS THE RESPONSIBILITY OF THE OWNER TO IDENTIFY WETLANDS, FLOOD PLAINS, ENDANGERED SPECIES, OR OTHER ENVIRONMENTAL LIMITATIONS.
4. NO EASEMENTS AND/OR RIGHT-OF-WAYS WERE VERIFIED PER THIS PLAN.



SETBACKS:

FRONT - 30'
SIDE - 10'
REAR - 40'

SURVEY CLASSIFICATION: SUBURBAN

LOT AREA: 10,080 sq.ft.± (0.23 ac.±)

PLAT REF.: PLAT BOOK 8, PAGE 630



PENNONI ASSOCIATES INC.

18072 Davidson Drive
Milton, DE 19968
T 302.684.8030 F 302.684.8054

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LOT 49, OAK MEADOWS
INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE

BOUNDARY & LOCATION SURVEY PLAN

TM: 234-29.00-117.00

SHELDON & SHARON BERGER

2620 ROCK CREEK DRIVE
DOVER, PA. 17315

PROJECT **SSBGR20000**

DATE 2020-10-26

DRAWING SCALE 1"=30'

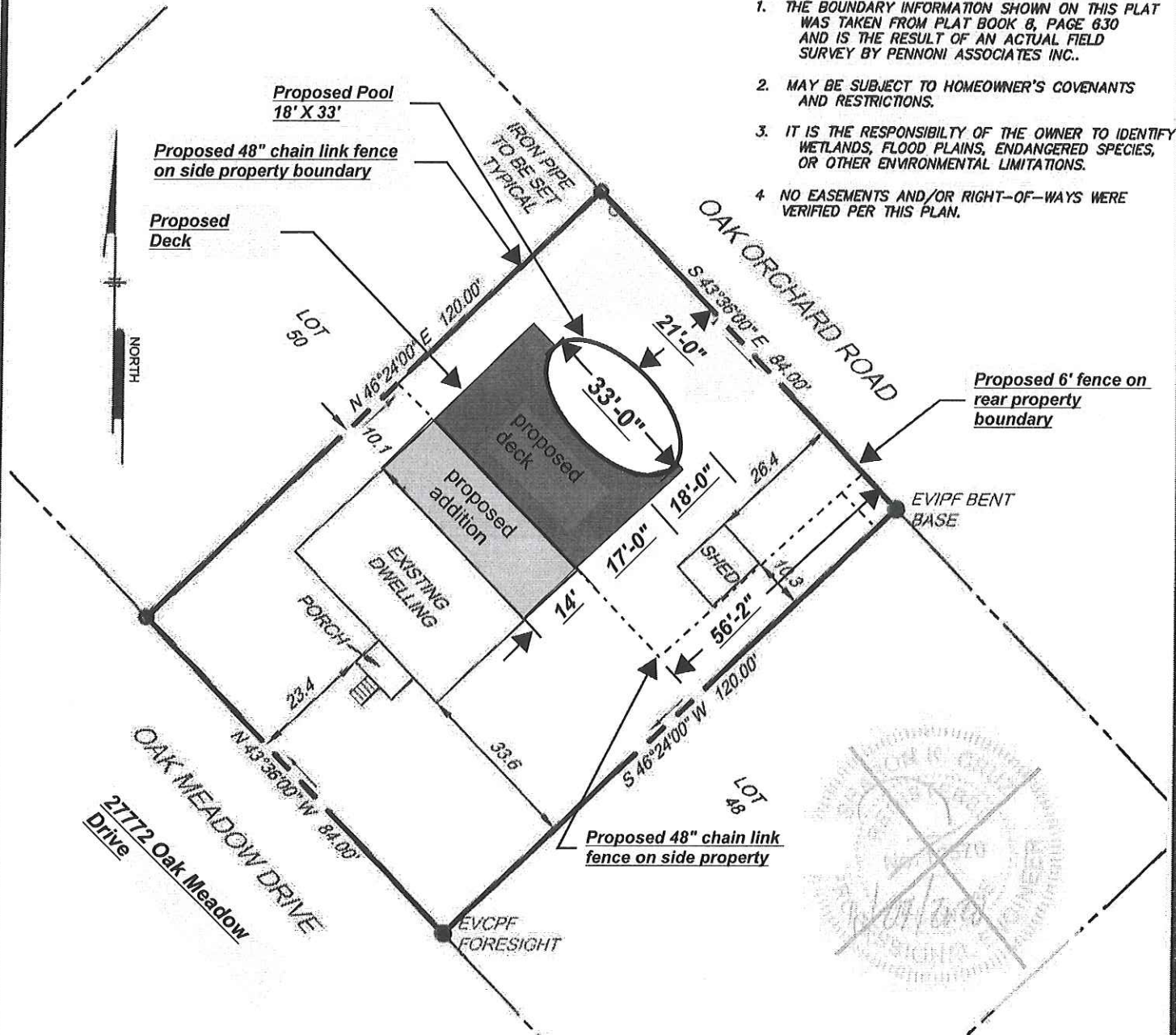
DRAWN BY KMD

APPROVED BY SKC

SHEET 1 OF 1

NOTES

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4. NO EASEMENTS AND/OR RIGHT-OF-WAYS WERE VERIFIED PER THIS PLAN.



SETBACKS:

FRONT - 30'
SIDE - 10'
REAR - 40'

This sketch was developed to accompany variance application
DATE: 2020/22/11

SURVEY CLASSIFICATION: SUBURBAN
LOT AREA: 10,080 sq.ft.± (0.23 ac.±)
PLAT REF.: PLAT BOOK 8, PAGE 630



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Milton, DE 19968
T 302.684.8030 F 302.684.8054

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LOT 49, OAK MEADOWS
INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE

~~BOUNDARY & LOCATION SURVEY PLAN~~

TM: 234-29.00-117.00

SHELDON & SHARON BERGER
2620 ROCK CREEK DRIVE
DOVER, PA. 17315

PROJECT **SSBGR20000**

DATE **2020-10-26**

DRAWING SCALE **1"=30'**

DRAWN BY **KMD**

APPROVED BY **SKG**

SHEET **1** OF **1**


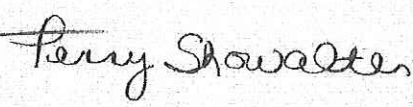
November 24, 2020

To: Sheldon Berger

From: Cory & Penny Showalter

We have reviewed your plans for 27772 Oak Meadows Drive for the addition, the pool and deck and the fence enclosure. We have no objections to these plans.

Everything looks good and we are anxious to see the completed projects.

 
Cory & Penny Showalter
27760 Oak Meadows Drive
Millsboro Delaware



Sheldon Berger <sheldonberger7@gmail.com>

variance sketch

Laura Slaybaugh <lauram.slaybaugh@gmail.com>
To: Sheldon Berger <sheldonberger7@gmail.com>

Sun, Nov 22, 2020 at 1:50 PM

November 22, 2020

To: Sussex Co. Planning and Zoning.

We are the property owners of 27778 Oak Meadow Drive, Millsboro, DE 19966.

We have reviewed the proposed sketch produced by our neighbors, Sheldon and Sharon Berger, for additions to their property next to us at 27772 Oak Meadow Dr.

We have no objections to any of the proposed additions.

Sincerely,

Richard E. and Laura M. Slaybaugh
[Quoted text hidden]



Sussex County



PIN:	234-29.00-117.00
Owner Name	BERGER SHELDON E
Book	5135
Mailing Address	2620 ROCK CREEK DR
City	DOVER
State	PA
Description	OAK MEADOWS
Description 2	LOT 49 T#39146
Description 3	SPEC COMM LIEN
Land Code	

polygonLayer
Override 1

polygonLayer
Override 1

- Tax Parcels
- 911 Address
- Streets
- County Boundaries

