

BOARD OF ADJUSTMENT

JOHN WILLIAMSON, CHAIRMAN
KEVIN E. CARSON
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JOHN T. HASTINGS
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Sussex County

DELAWARE
sussexcountyde.gov

(302) 855-7878

DRAFT AGENDA

January 24, 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 November 1, 2021

Approval of Finding of Facts for November 1, 2021

Approval of Minutes for November 15, 2021

Approval of Finding of Facts for November 15, 2021

Public Hearings

Case No. 12649 – James C. DiPaula, TTEE seeks variances from the front yard setback, side yard setback, and maximum fence height requirement requirements for proposed structures (Sections 115-34, 115-182, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located on the south side of Penn Street at the East Lake Drive and Penn Street intersection. 911 Address: 2 Penn Street, Rehoboth Beach. Zoning District: MR. Tax Parcel: 334-20.06-112.00

Case No. 12650 – Sandy Wilkinson seeks variances from the rear yard setback requirements and from the minimum aggregate front yard and rear yard requirements for proposed structures (Sections 115-34, 115-183 and 115-188 of the Sussex County Zoning Code). The property is located on the north side of Tower Place within the Overlook subdivision. 911 Address: 30569 Tower Place, Selbyville. Zoning District: MR-RPC. Tax Parcel: 533-20.00-90.00



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

Case No. 12651 – Beachfire Brewing Company, LLC seek a special use exception to place a tent for more than three days. (Sections 115-80 and 115-210 of the Sussex County Zoning Code). The property is located on the northeast corner of Central Avenue and Johnston Street within the Shockley subdivision. 911 Address: 19841 Central Avenue, Rehoboth Beach. Zoning District: C-1. Tax Parcel: 334-13.20-24.00

Case No. 12652 – Theodore John Banks seeks a variance from the front yard setback requirement for a proposed structure (Sections 115-25 and 115-182 of the Sussex County Zoning Code). The property is located at the west side of Whites Neck Road approximately 380 feet north of Old Mill Road. 911 Address: 30708 Whites Neck Road, Dagsboro. Zoning District: AR-1. Tax Map: 134-8.00-10.00

Case No. 12653– Rodger Pearce seeks a special use exception for a garage studio apartment (Sections 115-23 and 115-210 of the Sussex County Zoning Code). The property is located at the east side of Seagull Lane at the intersection of Bunting Road and Seagull Lane. 911 Address: 23004 Seagull Lane, Georgetown. Zoning District: AR-1. Tax Map: 133-6.00-56.15

Case No. 12654 – DMR Properties, LLC seek a variance from the front yard setback and the rear yard setback requirements for a proposed structure (Sections 115-82, 115-182, 115-183, and 115-185 of the Sussex County Zoning Code). The property is located at the west side of John J. Williams Highway (Rt. 14) approximately 851 feet north of Bay Farm Road. 911 Address: N/A. Zoning District: C-1. Tax Map: 234-23.00-180.00 and 234-23.00-181.00

Additional Business



-MEETING DETAILS-

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on January 13, 2022 at 2:30 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://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 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://sussexcountyde.gov/agendas-minutes/board-of-adjustment>

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments are encouraged to be submitted by 4:30 P.M. on Thursday, January 20, 2021

####



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 # 12649
Hearing Date 1/15
202114300

Type of Application: (please check all applicable)

Variance Existing Condition
Special Use Exception Proposed
Administrative Variance Code Reference (office use only)
Appeal 115-34 115-182
115-185

Site Address of Variance/Special Use Exception:
2 Penn Street, Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

Relief from front yard set back restriction to partially locate a pool and a 4' pool fence enclosure.

Tax Map #: 334-20.06-112.00 **Property Zoning:** MR

Applicant Information

Applicant Name: James C. DiPaula, TTEE
Applicant Address: 57 Columbia Ave
City Rehoboth Bch State DE Zip: 19971
Applicant Phone #: _____ Applicant e-mail: _____

Owner Information

Owner Name: see above
Owner Address: _____
City _____ State _____ Zip: _____ Purchase Date: 10/22/20
Owner Phone #: _____ Owner e-mail: _____

Agent/Attorney Information

Agent/Attorney Name: Attorney Fred A. Townsend III
Agent/Attorney Address: 34382 Carpenter's Way, Suite 3
City Lewes State DE Zip: 19958
Agent/Attorney Phone #: (302) 644-8330 Agent/Attorney e-mail: ftownsend@delawarelaw.com

Signature of Owner/Agent/Attorney

James C. DiPaula

Date: 9/23/21





HUDSON, JONES, JAYWORK & FISHER, LLC

Dartmouth Business Center
34382 Carpenter's Way, Suite 3, Lewes, DE 19958
(302) 645-7999 · Fax (302) 644-8209

PARTNERS:

R. BRANDON JONES
DANIEL P. MYERS II
JAMES P. BECKER
CHRISTOPHER M. HOLMON
MICHAEL G. RUSHE
D. BARRETT EDWARDS, IV

OF COUNSEL:

RONALD D. SMITH
DAVID A. BOSWELL
RICHARD E. BERL, JR.
FRED A. TOWNSEND, III
LAURA D. WILLIS

ASSOCIATES:

CHAD C. MEREDITH
ANN POULIOS BOSWELL
ZACHARY A. GEORGE
KRISTIN C. COLLISON
DANIEL L. HUESTIS
JOEL WRIGHT COLLINS

REHOBOTH BEACH
309 Rehoboth Avenue
Rehoboth Beach, DE 19971
(302) 227-9441

September 24, 2021

DOVER
225 South State Street
Dover, DE 19901
(302) 734-7401

WILLIAM S. HUDSON, 1934-2013
JOHN T. JAYWORK - RETIRED
HARRY M. FISHER, III - RETIRED

Sussex County Board of Adjustment
Department of Planning and Zoning
2 The Circle
Georgetown, DE 19947

**RE: Lot A
2 Penn Street
Rehoboth Beach, DE 19971
Variance Submittal**

Dear Sir/Madam:

On behalf of the owner (James DiPaula II) I am seeking a variance to allow for the construction of a proposed pool that would partially sit within the 30' Front Yard Setback. In conjunction with the proposed pool we are requesting a variance to the 3'6" fence/wall height restriction for the front yard so that we are able to install the required 4' tall pool enclosure fencing. The property is located at 2 Penn Street, Lot A and is a corner lot (Penn St. and East Lake Drive) with ocean frontage. The majority of the property (approximately 64%) is encumbered by setbacks and a dune restriction area.

At its closest point, the proposed pool is located 16'-1" from the property line with an additional 14' vegetated ROW between the property line and East Lake Drive. Only 55% (288 SF) of the proposed pool sits within the 30' Front Yard Setback. The location of the existing pool is partially on land that was previously developed with a pool, but the proposed pool is shifted North which sites the pool further from the property line than what was previously developed.

In summary, the proposed pool construction is taking place partially on land that was previously developed with a pool but shifted to ultimately be further from the property

line. The location respects all other setbacks while balancing safety and the overall enjoyment of the property. Since the proposed pool location is similar to the previous pool but further from the property line, it will in no way alter the essential character of the neighborhood. Therefore, we do not believe that granting this variance will negatively impact the site or surrounding area.

The following are point-by-point responses to the variance criteria:

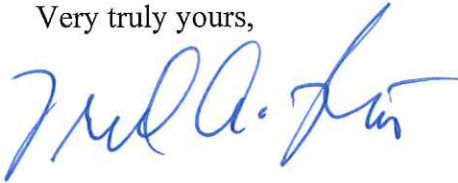
1. The need for variances arise from conditions inherent in the site itself and are peculiar to the parcel. Specifically, the parcel is a narrow half-acre lot, a corner lot, featuring a large area of protected dunes. The corner lot is subject to larger setbacks along its northern boundary with Penn Street and a significant percentage of the building envelope to the east is non-developable beginning at the dune line. The difficulty presented is to construct a typical home for in this area, one that is oriented towards the ocean (as is customary) rather than towards East Lake Drive to the west. It is also typical for many of the parcels in the immediate area to incorporate a pool into the residential development of the property. The unique features of this parcel, primarily the existence of protected area satisfy the County's test for uniqueness. See Exhibit "A".
2. Reasonable use of the property is in large part measured by the character of the properties in the immediate vicinity, many of which have swimming pools. See Exhibit "C". Importantly, the site of the proposed pool is very nearly identical to location of pool that existed on this parcel as recently as August of 2020 before the pre-existing home was demolished. This proposed home, like many in the area, is a multigenerational home where safety for all ages is critical. The most significant factor determining the proposed location of the pool was to create minimum reasonable space between the pool and access doors to the home. The pre-existing pool was 8'5" from the property line. The location of the proposed swimming pool is 16' 1" at the closest point. See Exhibit "B".
3. The exceptional practical difficulty posed is a greatly reduced building envelope caused by the presence of the protected dunes. The difficulty is not created by the Applicant.
4. The essential character of the area is the comparatively large residences. Those parcels which include dune are typically oriented towards the ocean and would treat their western boundary as their de facto backyard where the setback would be typically less deep. Granting the proposed variances will not be detrimental to public because East Lake Drive is single loaded and adjacent to Silver Lake, rather than another existing residential parcel. Additionally, there is an existing 14' deep vegetative buffer between

East Lake Drive and the proposed pool site and an abrupt 7' rise in elevation from the street and pool. The applicant intends to install additional buffer plants to disguise the pool's presence. See Exhibit "D"

5. The minimum criteria test is met as the distance between the proposed home and pool is subject to safety considerations and the relief from the fence height restriction is the minimum necessary to achieve code compliance. Also, the pool is not unreasonably large and the encroachment into the setback is less than what the pre-existing pool posed for a great many years. See Exhibit "C"

Thank you for your consideration of this important matter.

Very truly yours,



Fred A. Townsend III, Esquire

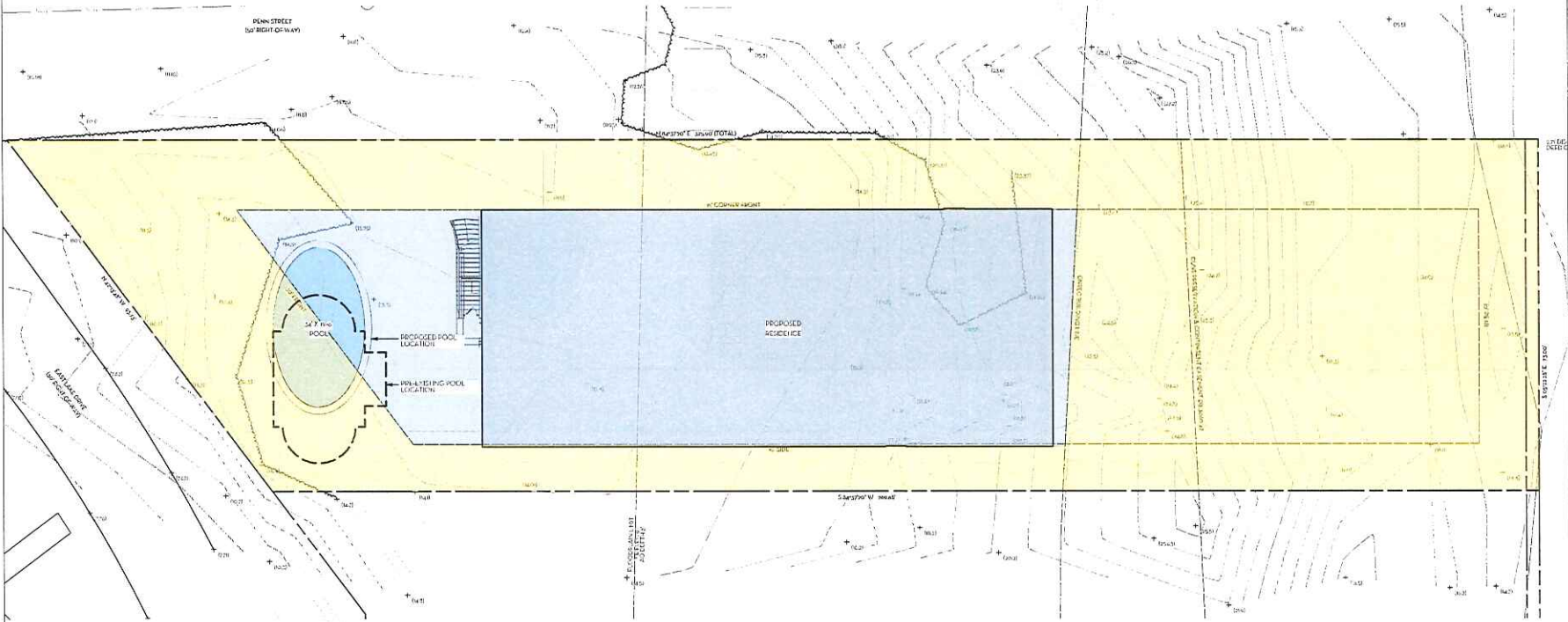
Enclosures

LEGEND

OVERALL LOT AREA: 22,364 S.F.

6.4% NON-DEVELOPABLE AREA: 14,389 S.F.

36% DEVELOPABLE AREA: 7,975 S.F.



CAMPION/HRUBY
 11 Cathedral Street, Suite 100 | Annapolis, MD 21401
 P: 410.293.8800 campionhruby.com

Consultants:

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Project # 22081
DIPAULA RESIDENCE
 2 Penn St.
 Rehoboth Beach, DE 19971
 24 SEPTEMBER 2021

100% PRICING SET - NOT FOR CONSTRUCTION

NO.	DATE	DESCRIPTION

Drawn By: CHM Proj. Manager: MB
 Approved By: BH

N
 Scale: 1/8" = 1'-0"

EXHIBIT A

EXH-A

If this drawing is not 24" x 36", it is a reduced price, and scales of scale no longer apply.
 If this drawing is 24" x 36", it is a full price, and all dimensions must be multiplied by a factor of 2.

NOTE: THIS PLAN WAS DERIVED FROM A 3D SURVEY GENERATED BY SOLIDWORKS INC. ON JANUARY 2, 2021. FIELD MEASUREMENTS IN THIS PLAN ARE TO GOOGLE EARTH AND MAY VARY.

PER PRIOR DEED (DB 4070 PG 315) & OCTOBER 31, 1996 (UNRECORDED) SURVEY BY WINGATE & ESCHENBACH

APPARENT 2.71' DISCREPANCY (FOUND BETWEEN CURRENT DEED OF RECORD AND PRIOR DEED)

PER CURRENT DEED (DB 5334 PG 229) & OCTOBER 18, 2018 SUBDIVISION PLAN (PB 303 PG 94) BY FORESIGHT SERVICES

FLOODPLAIN LIMIT
VE ELEV. 9'
VE ELEV. 8'



NOTES:

THIS DRAWING DOES NOT VERIFY THE LOCATION, EXISTENCE, AND/OR NON-EXISTENCE OF RIGHT-OF-WAYS OR EASEMENTS CROSSING THE SUBJECT PROPERTY.

THIS DRAWING DOES NOT VERIFY THE EXISTENCE AND/OR NON-EXISTENCE OF WETLANDS OR PLANT SPECIES.

THIS DRAWING DOES NOT VERIFY UTILITIES, OR ANY OTHER SUBSURFACE OBJECTS.

ALL SETBACKS MUST BE VERIFIED BY THE HOME OWNER, CONTRACTOR, AND HOMEOWNER'S ASSOCIATION PRIOR TO ANY CONSTRUCTION.

NO TITLE SEARCH WAS PROVIDED NOR STIPULATED.

THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY PERFORMED ON 11-11-20, BY SCALED ENGINEERING, INC. BOUNDARY INFORMATION WAS TAKEN FROM DEED BOOK 4070 PG 315 (PRIOR DEED), OCTOBER 31, 1996 (UNRECORDED) SURVEY BY WINGATE & ESCHENBACH, DEED BOOK 5334 PAGE 229 (THE CURRENT DEED OF RECORD) AND PLAT BOOK 303 PAGE 94 (SUBDIVISION PLAN), AND OTHER DOCUMENTS OF PUBLIC RECORD AND ROTATED TO STATE PLANE.

ZONING: MR (MEDIUM RESIDENTIAL)

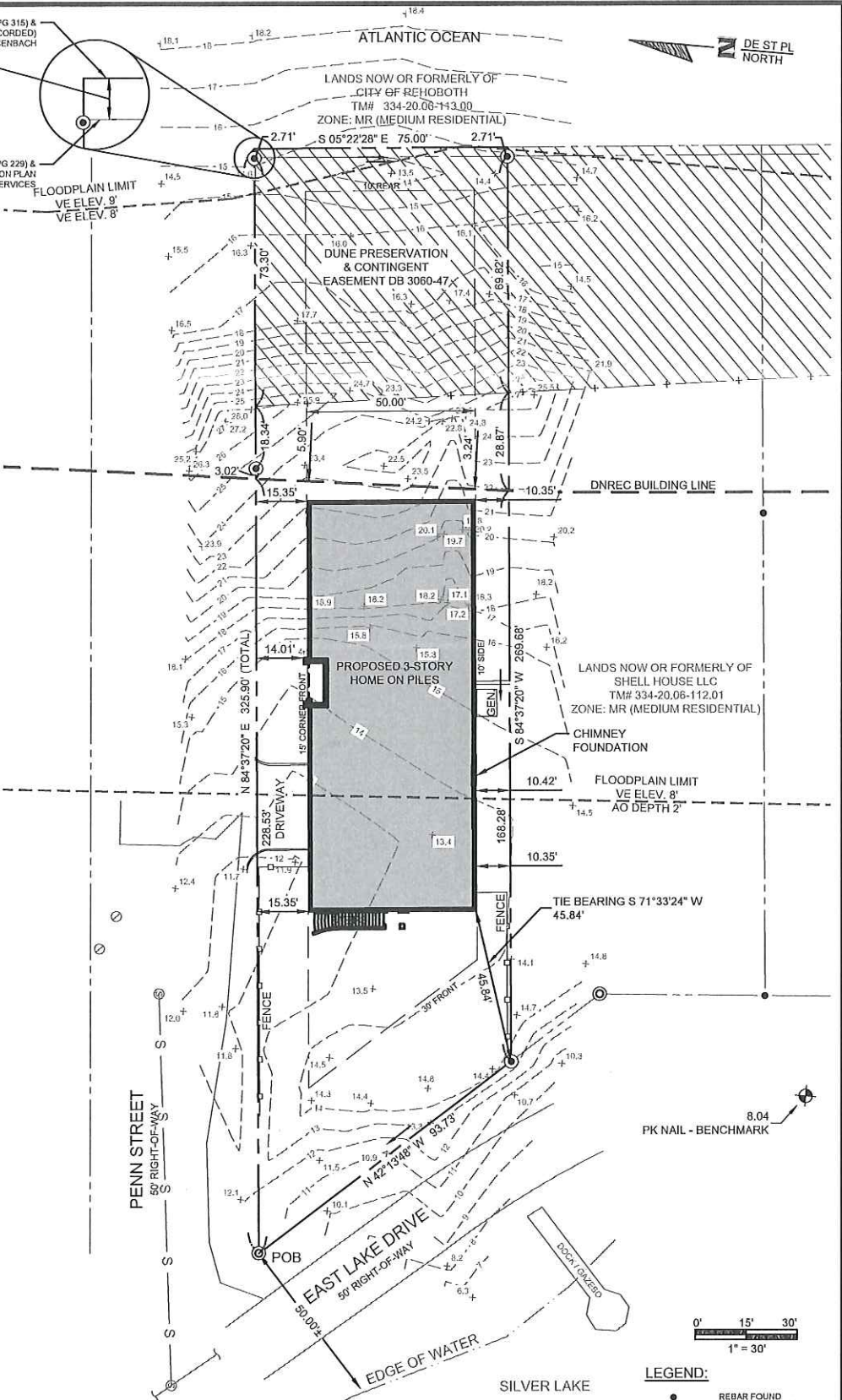
42' MAX. BUILDING HEIGHT
ACCESSORY BUILDINGS MAX 2 STORIES.

THIS PROPERTY IS IMPACTED BY THE 100 YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 10005C0354K REVISED MARCH 16, 2015 (ZONES AE EL. 8', AO DEPTH 2' & VE EL. 9' & 8').

CERTIFICATION:

I, CARLTON R. SAVAGE JR., HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE. ANY CHANGES TO 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.

CARLTON R. SAVAGE JR., DE PE#16457 DATE



SITE PLAN
LANDS OF JAMES C. DIPAULA (TRUSTEE)
OF THE JAMES C DIPAULA JR REV TR
PREPARED FOR:
KIMMEL STUDIOS
FOR PROPERTY KNOWN AS:
LOT A - 2 PENN STREET
REHOBOTH BEACH, DE 19971
TM: # 334-20.06-112.00

LEWES & REHOBOTH HUNDRED | SUSSEX COUNTY | DELAWARE
DATE: JUNE 8, 2021 SCALE: 1" = 30'
CLASS: SUBURBAN PROJECT: KIML001
LOT AREA: 22,334 SQ.FT. FB: _____

- LEGEND:**
- REBAR FOUND
 - ⊙ CAPPED REBAR FOUND
 - ⊙ CAPPED IRON PIPE FOUND
 - ⊕ BENCHMARK
 - PROPERTY BOUNDARY
 - + EASEMENT
 - ADJOINER LINE
 - DNREC BUILDING LINE
 - FEMA FLOODPLAIN
 - 12- CONTOUR
 - EDGE OF VEGETATION
 - EDGE OF WATER
 - ⊙ SEWER MANHOLE
 - ⊙ WATER METER / SERVICE

Scalped Engineering Inc.
20246 Coastal Highway
Rehoboth Beach, DE 19971
Phone: (302) 236-3600

LEGEND
 EXISTING/OFF-EXISTING POOL
 PROPOSED POOL



CHLA

CAMPION/HRUBY
 111 Cathedral Street, Suite 100 | Annapolis, MD 21401
 O: 410.293.8850 | campionhruby.com

Consultants

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Project #: 22001

DIPAULA RESIDENCE

2 Penn St.
 Rehoboth Beach, DE 19971

24 SEPTEMBER 2021

100% PRICING SET - NOT FOR CONSTRUCTION

No.	Scale	Revision

Drawn By: CM Prop. Manager: MB
 Approved By: BH

Scale: 1" = 30'-0"

EXHIBIT C

EXH-C

If this drawing is not 24" x 36", it is a reduced print and notations of scale no longer apply.
 If this drawing is 24" x 36", it is a 24% reduced print, and scaled dimensions need to be multiplied by a factor of 2.

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Sussex County

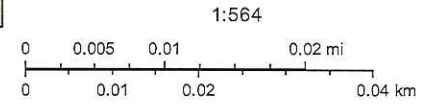


PIN:	334-20.06-112.00
Owner Name	DIPAULA JAMES C TTEE
Book	5334
Mailing Address	456 S OCEAN BLVD
City	PALM BEACH
State	FL
Description	E/E LAKE DR
Description 2	S/PENN ST LOT A
Description 3	RESIDUAL LANDS
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Municipal Boundaries



**Supplemental Request for Variances to partially locate utilities in
side yard setback area (as depicted on revised Exhibit B)**

Utility Equipment Side Yard Variances

1. The need for variances arise from conditions inherent in the site itself and are peculiar to the parcel. Specifically, the parcel is a narrow half-acre lot, a corner lot, featuring a large area of protected dunes. As a corner lot the building envelope is shifted away from Penn Street. The preferred location of utility equipment such as HVAC is the side yard so as not to interfere with available usable yard area and to obscure its view. The narrow character of the lot also dictates that the generator depicted on Exhibit B be located in proximity to the expected location of the electrical meter and internal systems it will serve.
2. The commonplace and reasonable location of utilities such as HVAC equipment and in this instance, pool equipment and a generator is the side yard for the reasons mentioned above. HVAC generally is permitted to encroach to the limited extent in side yard setbacks for this reason.
3. The exceptional practical difficulty posed is a building envelope that is somewhat reduced in width and shifted away from Penn Street such that an architect would endeavor to locate a new home along the southern side yard boundary. Here, the resulting loss of building envelope caused by locating such utilities in their typical and preferred location would be significant. Additionally, the rear of the lot will serve as a site for geothermal installations which render the rear of the parcel and undesirable location for these two utility devices. Finally, the difficulty is not created by the Applicant.
4. The essential character of the area is comparatively large residences due to economic factors relating to the value of real estate in the area. Approval of the variances does not result in a change in the essential character of the area.
5. The minimum criteria test is met as the distance between the proposed home and the equipment is as industry recommended and limited to the footprint of the utilities themselves. See Exhibit B

RECEIVED

DEC 15 2021

SUSSEX COUNTY
PLANNING & ZONING

PER PRIOR DEED (DB 4070 PG 315) & OCTOBER 31, 1996 (UNRECORDED) SURVEY BY WINGATE & ESHCENBACH

APPARENT 2.71' DISCREPANCY (FOUND BETWEEN CURRENT DEED OF RECORD AND PRIOR DEED)

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FLOODPLAIN LIMIT
VE ELEV. 9'
VE ELEV. 8'

ATLANTIC OCEAN

DE ST PL
NORTH

LANDS NOW OR FORMERLY OF
CITY OF REHOBOTH
TM# 334-20.06-113.00
ZONE: MR (MEDIUM RESIDENTIAL)

DUNE PRESERVATION
& CONTINGENT
EASEMENT DB 3060-47

PROPOSED 3-STORY
HOME ON PILES

LANDS NOW OR FORMERLY OF
SHELL HOUSE LLC
TM# 334-20.06-112.01
ZONE: MR (MEDIUM RESIDENTIAL)

CHIMNEY
FOUNDATION

FLOODPLAIN LIMIT
VE ELEV. 8'
AO DEPTH 2'

TIE BEARING S 71°33'24" W
45.84'

PK NAIL - BENCHMARK

PENN STREET
50' RIGHT-OF-WAY

EAST LAKE DRIVE
50' RIGHT-OF-WAY

EDGE OF WATER
SILVER LAKE

0' 15' 30'
1" = 30'

LEGEND:

- REBAR FOUND
- ⊙ CAPPED REBAR FOUND
- ⊙ CAPPED IRON PIPE FOUND
- ⊙ BENCHMARK
- PROPERTY BOUNDARY
- + - EASEMENT
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ZONING: MR (MEDIUM RESIDENTIAL)

42' MAX. BUILDING HEIGHT
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CARLTON R. SAVAGE JR., DE PE#16457 DATE

SITE PLAN

LANDS OF JAMES C. DIPAULA (TRUSTEE)

OF THE JAMES C DIPAULA JR REV TR

PREPARED FOR:

KIMMEL STUDIOS

FOR PROPERTY KNOWN AS:

LOT A - 2 PENN STREET

REHOBOTH BEACH, DE 19971

TM: # 334-20.06-112.00

LEWES & REHOBOTH HUNDRED | SUSSEX COUNTY | DELAWARE

DATE: JUNE 8, 2021

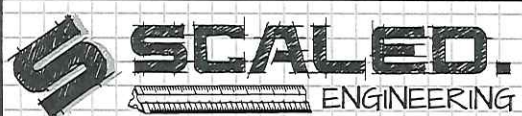
CLASS: SUBURBAN

LOT AREA: 22,334 SQ.FT.

SCALE: 1" = 30'

PROJECT: KIML001

FB: _____



Scaled Engineering Inc.
20246 Coastal Highway
Rehoboth Beach, DE 19971
Phone: (302) 236-3600

LEGEND

OVERALL LOT ARE: 22,364 S.F.

64% NON-DEVELOPABLE AREA: 14,389 S.F.

36% DEVELOPABLE AREA: 7,975 S.F.

RECEIVED

DEC 15 2021

SUSSEX COUNTY
PLANNING & ZONING

CHLA

CAMPION/HRUBY

111 Cathedral Street, Suite 100 | Annapolis, MD 21401
O: 410.280.8850 | campionhruby.com

Consultants:

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Project #: 22081

**DIPAULA
RESIDENCE**

2 Penn St.
Rehoboth Beach, DE 19971
13 DECEMBER 2021

100% PRICING SET - NOT
FOR CONSTRUCTION

No. Date Description

No.	Date	Description

Drawn By: CH Proj. Manager: MB

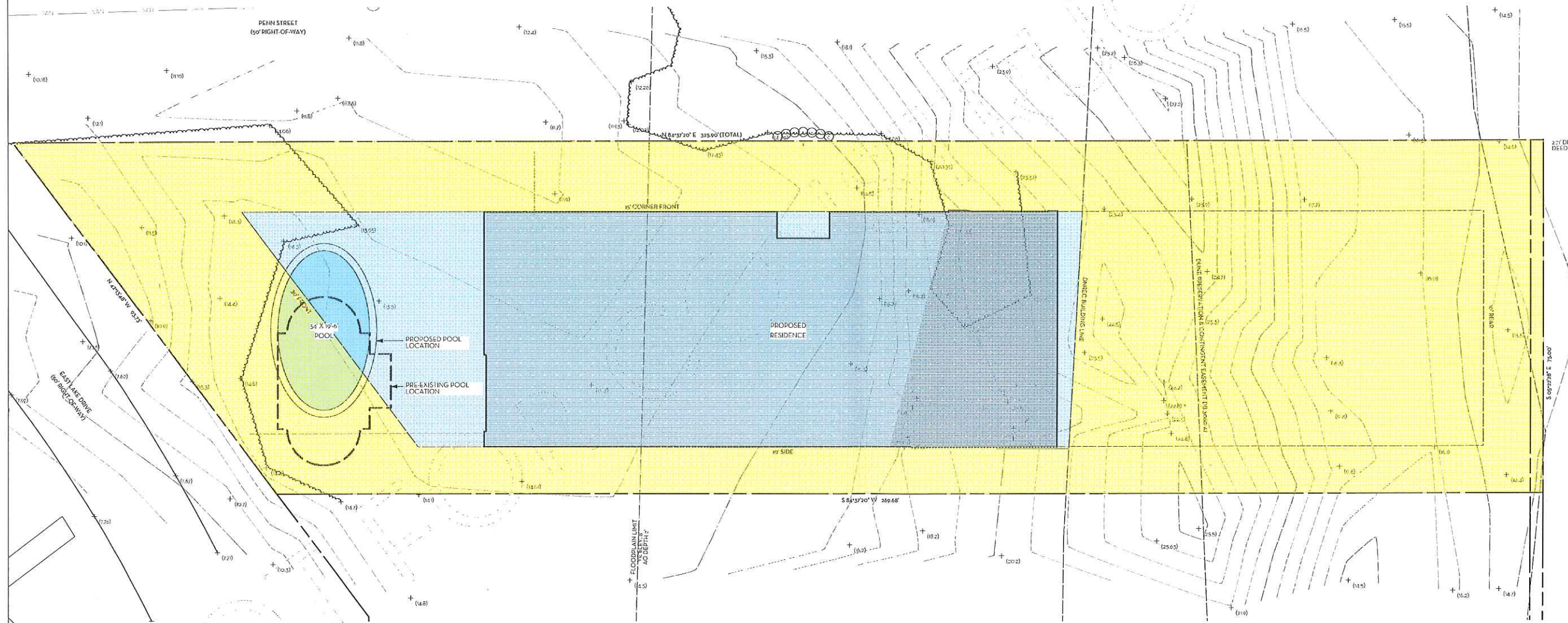
Approved By: BH



Scale: 1/8" = 1'-0"

EXHIBIT A

EXH-A



If this drawing is not 24" x 36", it is a reduced print, and notations of scale no longer apply.
If this drawing is 12" x 18", it is a 50% reduced print, and scaled dimensions need to be multiplied by a factor of 2.

NOTE: THE BASE ELEVATION DERIVED FROM A SURVEY GENERATED BY SCALED ENGINEERING, INC. ON JANUARY 12, 2021. FIELD MEASUREMENTS TAKEN BY CHLA, AND GOOGLE EARTH AERIAL IMAGERY.

LEGEND

	EXISTING/PRE-EXISTING POOL
	PROPOSED POOL



NOT

If this drawing is not 24" x 36", it is a reduced print, and notations of scale no longer apply.
 If this drawing is 12" x 18", it is a 50% reduced print, and scaled dimensions need to be multiplied by a factor of 2.

NOTE: PROPERTY LINES ARE ESTIMATED BASED OFF GOOGLE MAP AERIAL PHOTOS

CHLA

CAMPION/HRUBY

111 Cathedral Street, Suite 100 | Annapolis, MD 21401
 O: 410.260.8850 | campionhruby.com

Consultants:

RECEIVED
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 SUSSEX COUNTY
 PLANNING & ZONING

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Project #: 22081

**DIPAULA
 RESIDENCE**

2 Penn St.
 Rehoboth Beach, DE 19971

15 DECEMBER 2021

100% PRICING SET - NOT
 FOR CONSTRUCTION

No.	Date	Description

Drawn By: CM | Proj. Manager: MB
 Approved By: BH

Scale: 1" = 30'-0"

EXHIBIT C

EXH-C



PENN STREET
HEAVY VEGETATION AT
PENN STREET MAKES
POOL INVISIBLE FROM
THE STREET

EAST LAKE DRIVE
PROPOSED POOL TO FLUSH WITH
GRADE, VEGETATION AND GRADE
CHANGE WOULD CONCEAL THE
PROPOSED POOL FROM THE STREET.

NOT FOR CONSTRUCTION

RECEIVED
DEC 15 2021
SUSSEX COUNTY
PLANNING & ZONING

If this drawing is not 24" x 36", it is a reduced print, and notations of scale no longer apply.
If this drawing is 12" x 18", it is a 50% reduced print, and scaled dimensions need to be multiplied by a factor of 2.

CHLA

CAMPION/HRUBY
111 Cathedral Street, Suite 100 | Annapolis, MD 21401
O: 410.280.8550 campionhruby.com

Consultants:

--

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Project #: 22081
DIPAULA RESIDENCE
2 Penn St.
Rehoboth Beach, DE 19971
13 DECEMBER 2021

100% PRICING SET - NOT FOR CONSTRUCTION

No.	Date	Description

Drawn By: CM Proj. Manager: MB
Approved By: BH

Scale: N.T.S.

EXHIBIT D

EXH-D

**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 # 12650
Hearing Date 1/24
202116777

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-34 115-183

Site Address of Variance/Special Use Exception:
30569 Tower Place, Selbyville DE The Overlook

Variance/Special Use Exception/Appeal Requested:

Rear set back variance, the proposed screen porch of 14ft x 14ft, will reduce the rear setback from 15ft. to 12ft.

Tax Map #: ID#533-20.00-90.00

Property Zoning: MR - RPL

Applicant Information

Applicant Name: Kevin McNelis Riptide Construction
Applicant Address: PO.Box 290
City Berlin State MD Zip: 21811
Applicant Phone #: (443) 235-4346 Applicant e-mail: kevin@riptideconstructionoc.com

Owner Information

Owner Name: Sandy Wilkinson
Owner Address: 30569 Tower Place
City Selbyville State DE Zip: _____ Purchase Date: 9/20/01
Owner Phone #: (443) 789-0440 Owner e-mail: sandysellhome@yahoo.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

[Signature]

Date: 11-16-2021



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 shallowness of the lot has a negative impact for constructing a screen porch. A safe space from biting insects that inhabit the ample open space located at rear of dwelling.

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.

The space allowed is smaller than adjoining units that have already been improved.

3. Not created by the applicant:

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

I am appealing for practical use of property.

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.

A majority of the units have paver patio's or screen porch addition improvements in place. This will compliment and stay with the esthetics of community.

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.

little to no effect on the property as a whole.

SITE DATA:

OWNER(s): SANDRA A. WILKINSON

ADDRESS: 30569 TOWER PLACE
SELBYVILLE, DE 19975

TAX PARCEL ID: 533-20.00-90.00

DEED REF: D.B. 4534, PG. 20
P.B. 311, PG. 96

TOTAL AREA: 3,169.22 S.F. ± (0.07AC. ±)

ZONING: MR

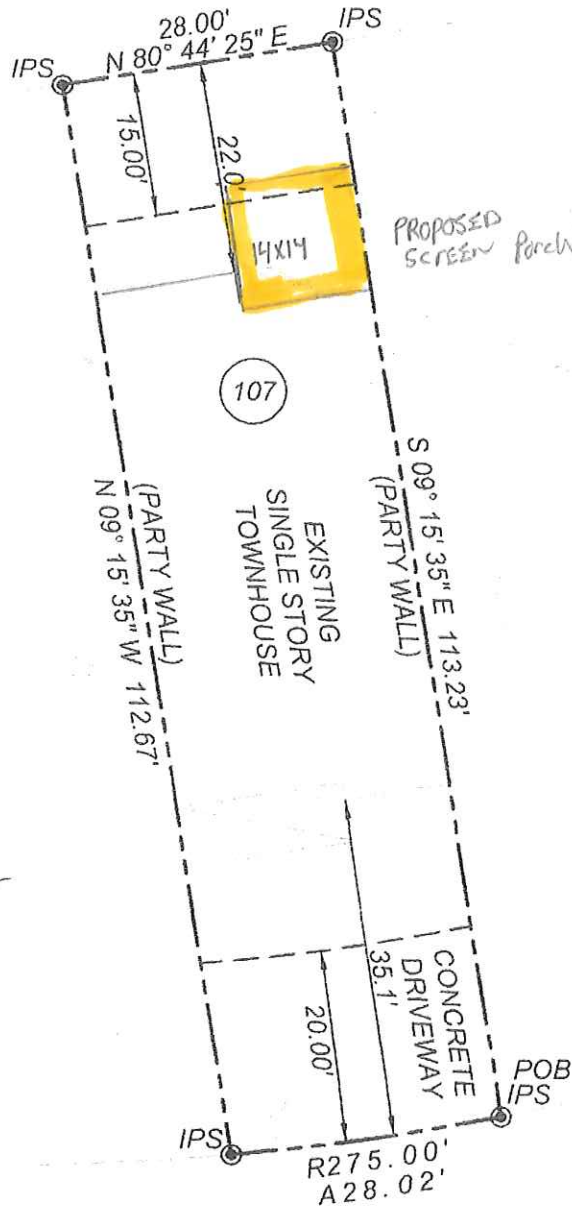
BUILDING SETBACKS:
FRONT/STREET YARD - 20 FEET
SIDE YARD - N/A
REAR YARD - 15 FEET

IPS ● IRON PIN TO BE SET (4)

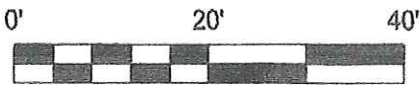
NOTE:

THIS PROPERTY IS SUBJECT TO ALL RESTRICTIONS AND/OR EASEMENTS CONTAINED ON THE RECORD PLAN, P.B. 311, PG. 96, AND ANY DEED RESTRICTIONS OR COVENANTS RECORDED FOR THE SUBDIVISION.

Red H. [Signature]
9-14-21



GRAPHIC SCALE



SCALE: 1"=20'

TOWER PLACE
(50' PRIVATELY MAINTAINED R-O-W)

DATE: SEPTEMBER 14, 2021

BOUNDARY SURVEY PLAN

FOR

**LOT 107
THE OVERLOOK
PHASE I
30569 TOWER PLACE**

**BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE**

DRAWN BY: JH SURVEYED BY: HP

FILE: 21002 - JP

REVISIONS

CEA CIVIL ENGINEERING ASSOCIATES, LLC

• ENGINEERING • SURVEYING • CONSTRUCTION SERVICES

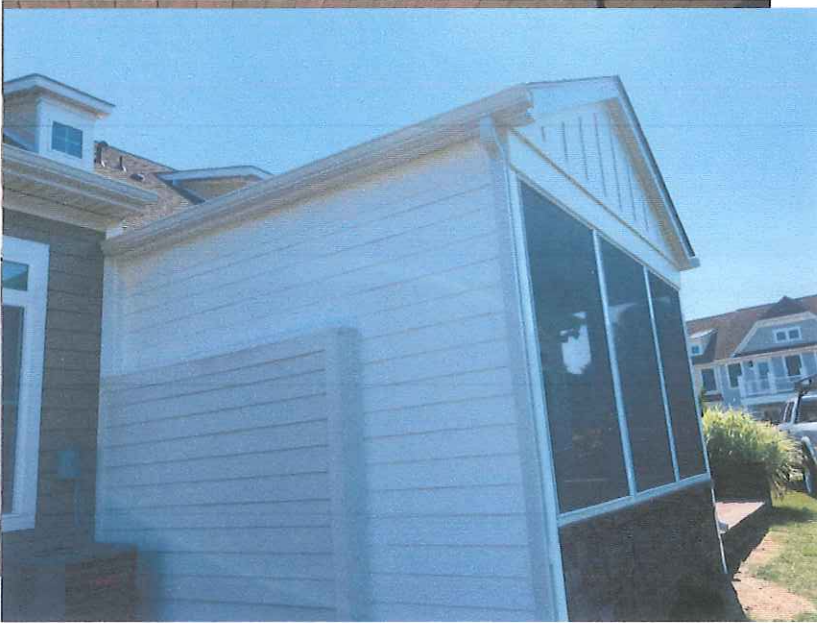
55 WEST MAIN STREET
MIDDLETOWN, DE 19709
PHONE: (302) 376-8833

CEA-DE.COM

Copyright © 2016

30569 Tower Place
Wilkinson Residents





30563 Tower place
3 units down

Riptide Construction
PO Box 290
Berlin, MD 21811

similar project
we completed - 6-21



30563 TOWER PLACE

3 units Down

Riptide Construction
PO Box 290
Berlin, MD 21811

SIMILAR PROJECT
WE COMPLETED 6-21

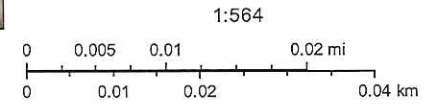


Sussex County



PIN:	533-20.00-90.00
Owner Name	WILKINSON SANDRA A
Book	5578
Mailing Address	30569 TOWER PL
City	SELBYVILLE
State	DE
Description	THE OVERLOOK
Description 2	LOT 107
Description 3	N/A
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 # 12651
Hearing Date 11/24/22
202116838

Type of Application: (please check all applicable)

Variance

Special Use Exception

Administrative Variance

Appeal

Existing Condition

Proposed

Code Reference (office use only)

115-80 115-210

Site Address of Variance/Special Use Exception:

19841 Central Avenue, Rehoboth Beach, DE 19971

Variance/Special Use Exception/Appeal Requested:

Special Use Exception to allow for a 15' x 30' tent to be maintained at the Property for a period exceeding three days pursuant to Section 115-80 of the Code.

Tax Map #: 334-13.20-24.00

Property Zoning: C1

Applicant Information

Applicant Name: Beachfire Brewing Company, LLC t/a Revelation Craft Brewing Company

Applicant Address: 19841 Central Avenue

City Rehoboth Beach State DE Zip: 19971

Applicant Phone #: (302) 540-9254 Applicant e-mail: harry@revbeer.com

Owner Information

Owner Name: EKC Brewery LLC

Owner Address: 35846 Black Marlin Drive

City Lewes State DE Zip: 19958 Purchase Date: _____

Owner Phone #: _____ Owner e-mail: N/A

Agent/Attorney Information

Agent/Attorney Name: Baird Mandalas Brockstedt LLC; Mackenzie M. Peet, Esq.

Agent/Attorney Address: 1413 Savannah Road, Suite 1

City Lewes State DE Zip: 19958

Agent/Attorney Phone #: (302) 645-2262 Agent/Attorney e-mail: mackenzie@bmbde.com

Signature of Owner/Agent/Attorney

Mackenzie M. Peet

Date: 11/15/2021



Criteria for a Special Use Exception: (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 Special Use Exception to be granted.

1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property.

The Applicant is seeking a special use exception to continue to maintain a 15' x 30' tent at the Property. The tent has not and will not substantially or adversely affect the uses of the adjacent properties and neighboring properties. The lot is zoned C-1 and the placement of the tent will not alter the character of the District. The tent will continue to provide rain coverage and warmth for Revelation's patrons.

2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code. (Ex. Time limitations – 5 year maximum)

N/A

Basis for Appeal: (Please provide a written statement regarding reason for appeal)

N/A



Mackenzie M. Peet
mackenzie@bmbde.com
(302)645-2262

November 16, 2021

VIA FEDERAL EXPRESS

Planning & Zoning Department
2 The Circle
PO Box 417
Georgetown, DE 19947

**RE: Beachfire Brewing Company, LLC t/a Revelation Craft Brewing Company -
Board of Adjustment Application
Property: 19841 Central Avenue, Rehoboth Beach, DE 19971
(TMP 334-13.20-24.00)**

Dear Director Whitehouse,

Beachfire Brewing Company, LLC t/a Revelation Craft Brewing Company seeks a Special Use Exception for the property identified as 19841 Central Avenue, Rehoboth Beach, DE 19971 and further identified as TMP 334-13.20-24.00 to install and maintain a 15' x 30' tent on the property for a period exceeding three days pursuant to Section 115-80 of the Code.

Enclosed please find Beachfire Brewing Company, LLC t/a Revelation Craft Brewing Company's Board of Adjustment Application with exhibits.

Sincerely,

/s/ Mackenzie M. Peet

Mackenzie M. Peet, Esq.

Enclosures
MMP/mgp



Sussex County

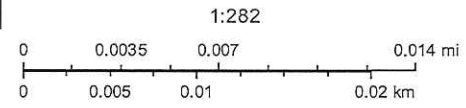


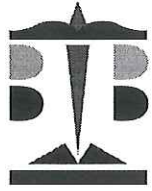
PIN:	334-13.20-24.00
Owner Name	EKC BREWERY LLC
Book	4714
Mailing Address	35846 BLACK MARLIN DR
City	LEWES
State	DE
Description	SHOCKLEY SUB DIV
Description 2	BLK 4 LOT 45
Description 3	N/A
Land Code	

- polygonLayer

 - Override 1
- polygonLayer

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





BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT A

Property and Deed Information

Property Information

Property Location: 19841 CENTRAL AV
 Unit:
 City: REHOBOTH BEACH
 State: DE
 Zip: 19971

Class: COM-Commercial
 Use Code (LUC): CO-COMMERCIAL
 Town: 00-None
 Tax District: 334 – LEWES REHOBOTH
 School District: 6 - CAPE HENLOPEN
 Council District: 4-Hudson
 Fire District: 86-Rehoboth
 Deeded Acres: .1148
 Frontage: 50
 Depth: 100.000
 Irr Lot:
 Zoning 1: C-1-GENERAL BUSINESS
 Zoning 2: -
 Plot Book Page: 181 69/PB

100% Land Value: \$5,000
 100% Improvement Value: \$15,900
 100% Total Value: \$20,900

Legal

Legal Description: SHOCKLEY SUB DIV
 BLK 4 LOT 45

Owners

Owner	Co-owner	Address	City	State	Zip
EKC BREWERY LLC		35846 BLACK MARLIN DR	LEWES	DE	19958

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
04/16/2010	4714/57	\$115,000.00	\$1,725.00	0	
03/11/1996	/	\$1.00	\$150.00	2	

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2021	EKC BREWERY LLC		35846 BLACK MARLIN DR	LEWES	DE	19958	4714/57
2020	EKC BREWERY LLC		35846 BLACK MARLIN DR	LEWES	DE	19958	4714/57
2019	EKC BREWERY LLC		35846 BLACK MARLIN DR	LEWES	DE	19958	4714/57
2018	EKC BREWERY LLC		35846 BLACK MARLIN DR	LEWES	DE	19958	4714/57
2017	EKC BREWERY LLC		35846 BLACK MARLIN DR	LEWES	DE	19958	4714/57
2016	CRIVELLA ANTHONY F		35846 BLACK MARLIN DR	LEWES	DE	19958	3776/295
2015	CRIVELLA ANTHONY F		35846 BLACK MARLIN DR	LEWES	DE	19958	3776/295
2013	CRIVELLA ANTHONY F		33131 GRACIE LN	LEWES	DE	19958	3776/295
2012	CRIVELLA ANTHONY F		PO BOX 72	REHOBOTH BEACH	DE	19958	3776/295
2010	AMES JUANITA		16953 SWEET BRIAR RD	LEWES	DE	19958	3776/295
2004	AMES GEORGE JUANITA		16953 SWEETBRIAR RD	LEWES	DE	19958	2114/45
1900	ALVIN SIMPLER					0	0/0

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	COM	CO	50	100	.1148	

Land Summary

Line	1
100% Land Value	5,000

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$5,000	\$15,900	\$20,900

50% Values

50% Land Value	50% Improv Value	50% Total Value
\$2,500	\$7,950	\$10,450

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
15-MAR-2018	201803326	\$0	DANIZZA WOOD FIRED PIZZA
28-OCT-2015	201510392	\$0	C-1 to C-1/CU
30-SEP-2015	201507934	\$22,000	ALL INTERIOR WORK ONLY (WALLS & FLOORING)
06-JAN-2015	201500103	\$0	WR 12532
03-NOV-2014	201409008	\$22,000	30X50 SQ FT POLE BLDG FOR BEACH CLEANIG BUSINESS

19920

BK: 4714 PG: 57

3-34 13.20 24.00

PREPARED BY & RETURNED TO:

Anthony Crivella

35846 Black Marlin Dr. Lewes, DE. 19958

DEED

THIS DEED, made May 23, 2017 - BETWEEN -

Anthony F. Crivella of 35846 Black Marlin Dr. Lewes, DE 19958, party of the first part,

- AND -

EKC Brewery LLC of 35846 Black Marlin Dr. Lewes, DE 19958, party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of _____10.00_____ Current Lawful Money of the United States of America and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part, her heirs and assigns,

ALL that certain lot, piece, or parcel of land lying and situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, being all of Lot No. 45, Block 4, in the subdivision known as "Subdivision of a Part of George E. Shockley's Land" prepared by John C. Lank, Surveyor received for record on January 30, 1942, and appearing of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Deed Book 334, page 152.

BEING the same lands conveyed to Anthony Crivella by deed of Juanita Ames dated April the 15, 2010 and filed for record in the office of the Recorder of Deeds, in and for Sussex County Delaware in Deed Book 3776, page 295

60

65

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seals the day and year aforesaid.



Anthony F Crivella

Anthony F Crivella

Consideration: .00

County	.00
State	.00
Town	Total .00
Received: Margaret P May 26, 2017	

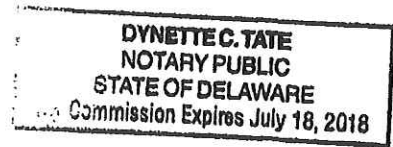
State of Delaware)

County of Sussex) ss.

BE IT REMEMBERED, that on this 23rd of May, 2017, personally came before me, the subscriber, a Notary Public for the State and County aforesaid, , party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

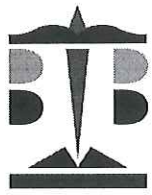
Given under my hand and seal of office the day and date aforesaid

Dynette C. Tate
D. C. Tate
Notary Public



Recorder of Deeds
Scott Dailey
May 26, 2017 12:51P
Sussex County
Doc. Surcharge Paid

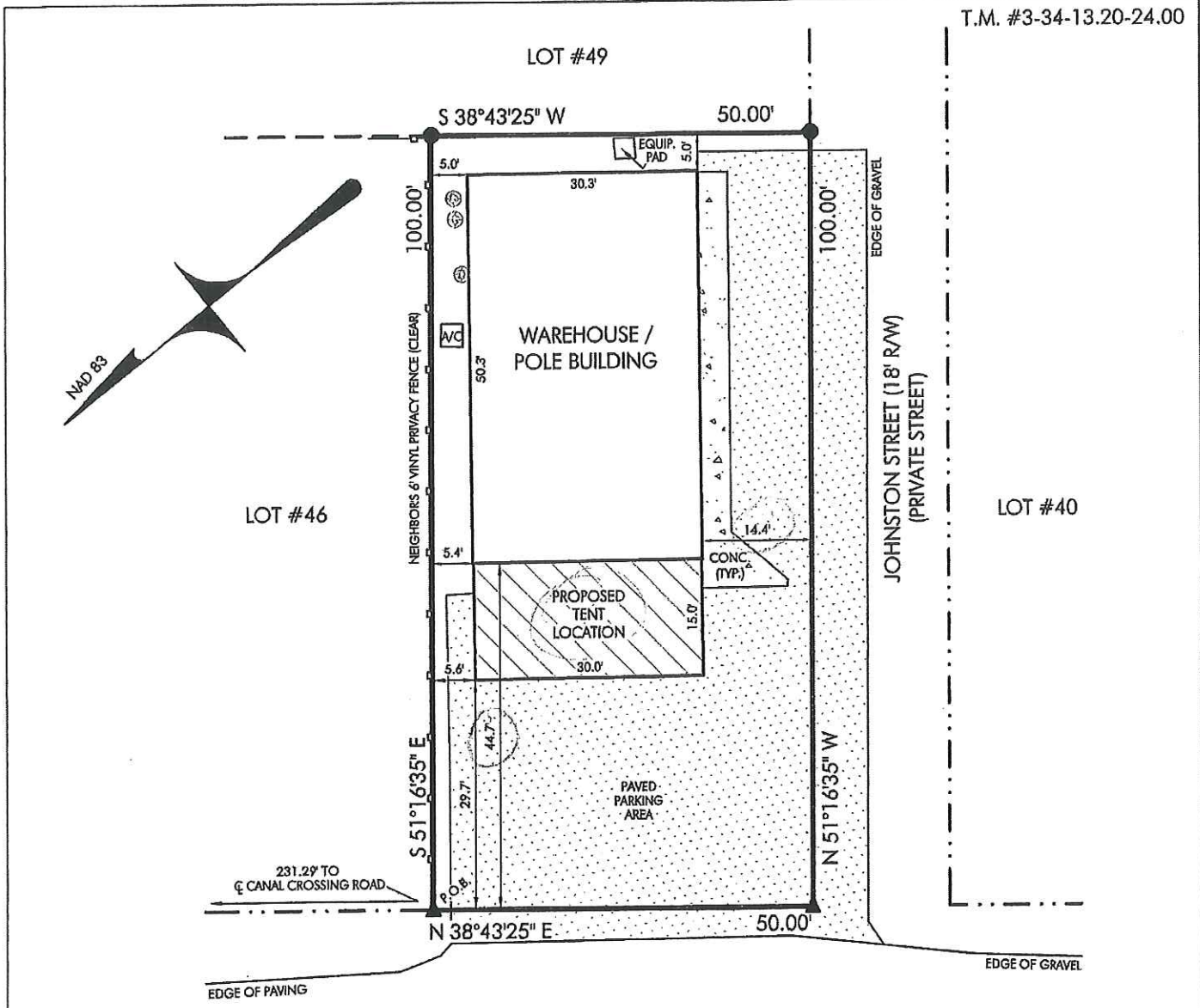
RECEIVED
May 26, 2017
ASSESSMENT DIVISION
OF SUSSEX COUNTY



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT B

Survey



CENTRAL AVENUE (25' R/W - PRIVATE STREET)

LEGEND:

- IRON PIPE (FOUND)
- ▲ IRON ROD (SET)
- ⊕ ABOVE GROUND PROPANE
- ⊙ CO2 TANK

**PROPOSED CONDITIONS
BOUNDARY SURVEY PLAN FOR
REVELATION CRAFT BREWING CO.**

TOTAL AREA: 5,000 SQ. FT.

DEED REFERENCE: BOOK 3776 PAGE 295

19841 CENTRAL AVENUE, REHOBOTH BEACH

LOT #45 BLOCK 4 OF "GEORGE E. SHOCKLEY" SUBDIVISION

LEWES & REHOBOTH HUNDRED SUSSEX COUNTY

STATE OF DELAWARE

SEPTEMBER 9, 2019* SCALE: 1" = 20'

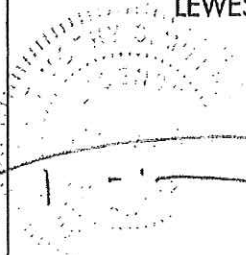
NOTES:

*REVISED 10/22/2019 TO SHOW PROPOSED CONDITIONS.

ALL RESTRICTIONS MUST BE VERIFIED BY THE OWNER, GENERAL CONTRACTOR, AND/OR THE DESIGNER. PLEASE CONTACT SUSSEX COUNTY TO VERIFY (302-855-7720).

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

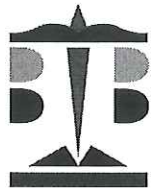


Prepared by:

FORESIGHT Services

Surveying & Precision Measurement

302.226.2229 phone 302.226.2239 fax 2103A Coastal Highway Dewey Beach, DE 19971



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT C

Zoning Code

Chapter 115. Zoning

Article XI. C-1 General Commercial District

§ 115-80. Special use exceptions.

Special use exceptions may be permitted by the Board of Adjustment and in accordance with the provisions of Article **XXVII** of this chapter and may include:

- A. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board for the following uses:
[Amended 11-10-1992 by Ord. No. 863; 10-12-1999 by Ord. No. 1346; 10-12-2010 by Ord. No. 2152; 10-22-2019 by Ord. No. 2684]

Archery ranges

Asphalt batching plants or concrete batching plants

Commercial dog kennels

Driving ranges

Outdoor display or promotional activities at shopping centers or elsewhere

Pony rings

Raising for sale of birds, bees, rabbits and other small animals, fish and other creatures

Riding academies, public stables or private stables

Rifle or pistol ranges, trap or skeet shooting

Sawmills for cutting timber grown on the premises

Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision

Tents for special purposes for a period exceeding three days. The Director may, without requiring an application for a special use exception, grant approval for a tent for a special purpose (revival, reception, tent sale as an accessory to a business or commercial use, or other similar activities). If approved by the Director, a tent for special purposes may be utilized on a parcel no more than three times in a calendar year.

Use of a manufactured home as a single-family dwelling in any district to meet an emergency or hardship situation, such permit not to exceed two years. The Director may, without requiring an application for a special use exception, grant an extension for an emergency or hardship situation previously approved by the County Board of Adjustment upon receipt of an affidavit from a doctor stating that the emergency or hardship situation still exists. Such extension may be granted annually as long as the emergency or hardship still exists.

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee

- B. Exceptions to parking and loading requirements as follows:

- (1) Off-street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of Article **XXII**, where practical

difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of these regulations to relieve congestion in the streets would best be served by permitting such parking off the premises.

- (2) Waiver or reduction of the parking and loading requirements in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.
- (3) Waiver or reduction of loading space requirements where adequate community loading facilities are provided.
- (4) Waiver or reduction of loading space requirements for uses which contain less than 10,000 square feet of floor area where construction of existing buildings, problems of access or size of lot make impractical the provisions of required loading space.

C. Other special use exceptions as follows:

Alteration, extension or replacement of a nonconforming manufactured home, subject to the provisions of § **115-196**

[Amended 10-12-2010 by Ord. No. 2152]

Cemeteries for pets^[1]

Day nurseries or child-care centers^[2]

More than one manufactured home may be permitted on a farm of 10 acres or more pursuant to § **115-21A(5)**, provided that all manufactured homes or dwellings on the property are the primary place of residence for persons employed on the premises or immediate members of the family owning or operating the farm, and provided that the granting of this exception will not adversely affect the values or uses of adjacent properties.

[Amended 3-25-1997 by Ord. No. 1131; 10-12-2010 by Ord. No. 2152]

Off-premises signs, subject to the provisions of § 115-81A(2)

[Added 12-14-1993 by Ord. No. 945]

Public telephone booths in residential areas^[3]

Any temporary removable vendor stand for the sale of food, agricultural products or other food-related goods that is not a permitted use under the provisions of § **115-77**; provided, however, that the use shall not operate until the owner presents the Director of Planning and Zoning with evidence of a current State of Delaware business license. Upon approval and submission of the business license, the Director shall issue a Sussex County Vendor Stand sticker in a form established by the Director. This sticker shall be visible on the stand at all times.

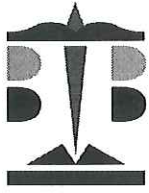
[Added 5-19-2015 by Ord. No. 2397]

[1] *Editor's Note: The entry for "convalescent homes, nursing homes or homes for the aged," which immediately followed, was repealed 4-16-2019 by Ord. No. 2645.*

[2] *Editor's Note: The former entry reading "Frog or fish farms," which immediately followed this entry, was repealed 11-26-1991 by Ord. No. 806.*

[3] *Editor's Note: The former entry for windmills and wind-powered generators, which immediately followed this entry, was repealed 9-13-2011 by Ord. No. 2213.*

D. Structures of mixed use, commercial and residential, subject to the provisions of Articles **IV** through **XX** and § **115-219**.



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT D

Tent Design





BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT E

Parking



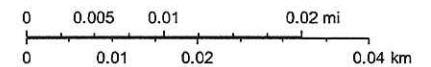
Sussex County



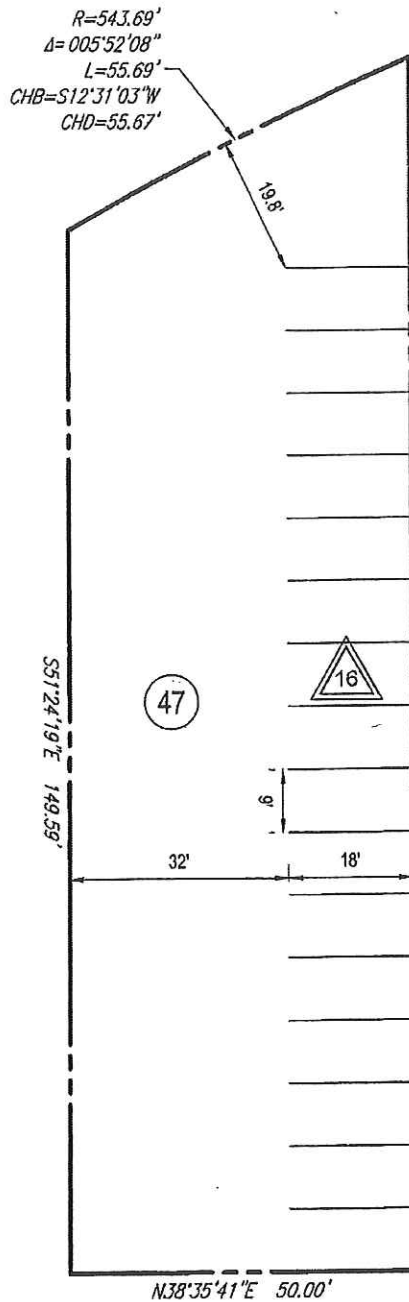
PIN:	334-13.20-20.01
Owner Name	ZERBY LLC
Book	4357
Mailing Address	2 TIDEWATER HENLOPEN
City	REHOBOTH BEACH
State	DE
Description	CENT AVE
Description 2	LOT 19 BLK 1
Description 3	
Land Code	

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

1:564



R:\118181\118181\DRAWINGS\SUBMITTALS\118181-01-1-1\118181-01-1-1.DWG



CENTRAL AVENUE

09/28/19 | TAB | REV 0

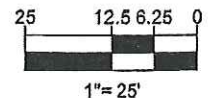
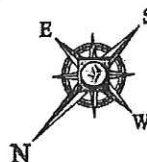
HAROLD E. DUKES JR. & ANTHONY CRIVELLA



BOHLER
ENGINEERING

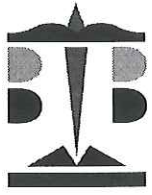
16958 COASTAL HIGHWAY SUITE D, REHOBOTH BEACH, DE 19971
PHONE: (302) 644-1155 FAX: (302) 703-3173

**OVERFLOW PARKING
SKETCH PLAN**



THE INFORMATION, DESIGN AND CONTENT OF THIS PLAN ARE PROPRIETARY AND SHALL NOT BE COPIED OR USED FOR ANY PURPOSE WITHOUT PRIOR WRITTEN AUTHORIZATION FROM BOHLER ENGINEERING. ONLY APPROVED, SIGNED AND SEALED PLANS SHALL BE UTILIZED FOR CONSTRUCTION PURPOSES. © BOHLER ENGINEERING, 2018

SUSSEX COUNTY, DE
TM# 334-13.20-21.00








BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT F

Aerial Images

Revelation Craft Brewery Aerial

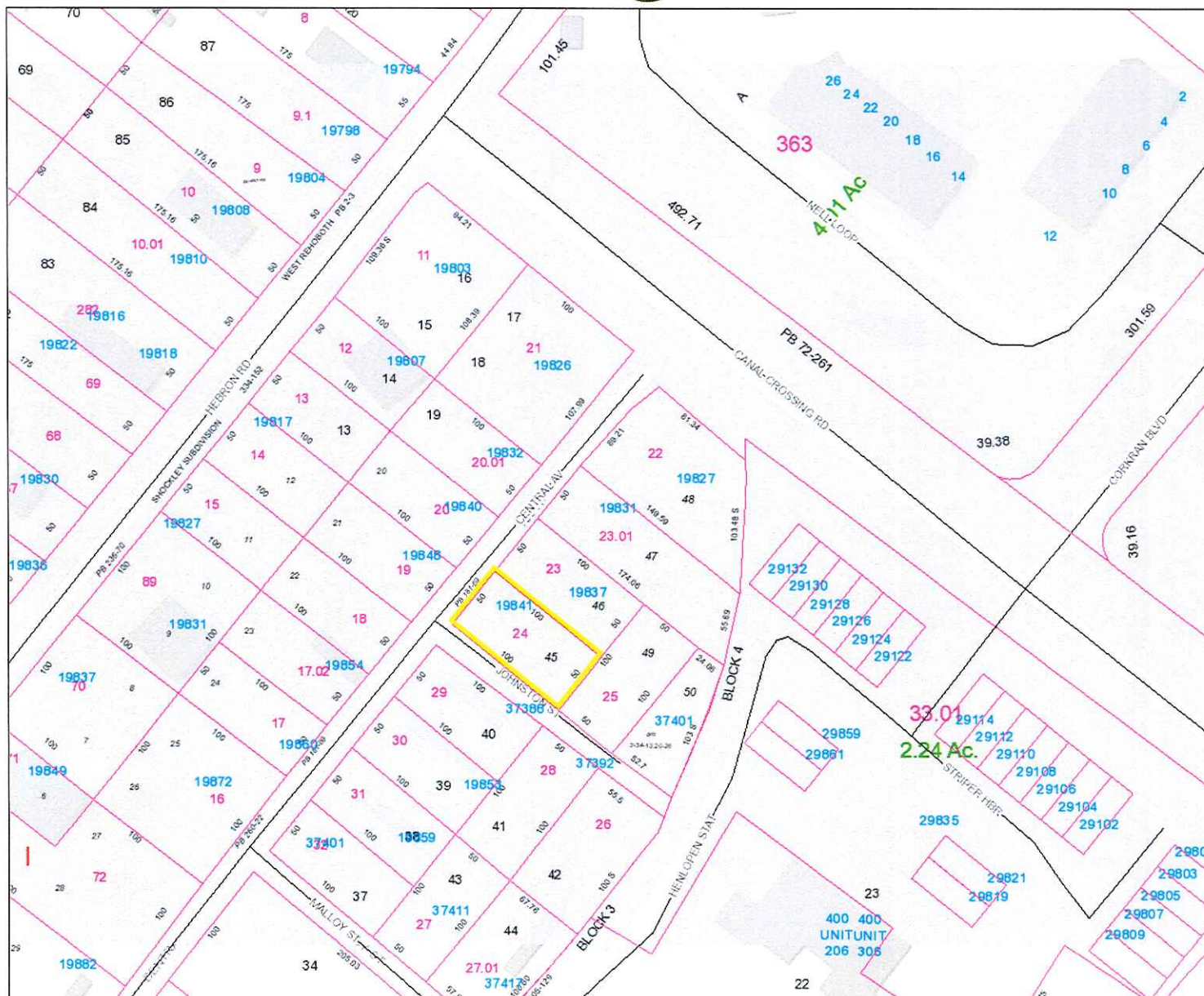
Legend

-  ?
-  ? ? Revelation Craft Brewing
-  19841 Central St
-  Envirotech Environmental
-  NATIONAL WILDLIFE REFUGE



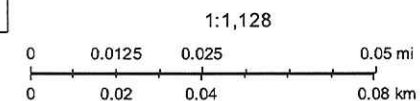


Sussex County



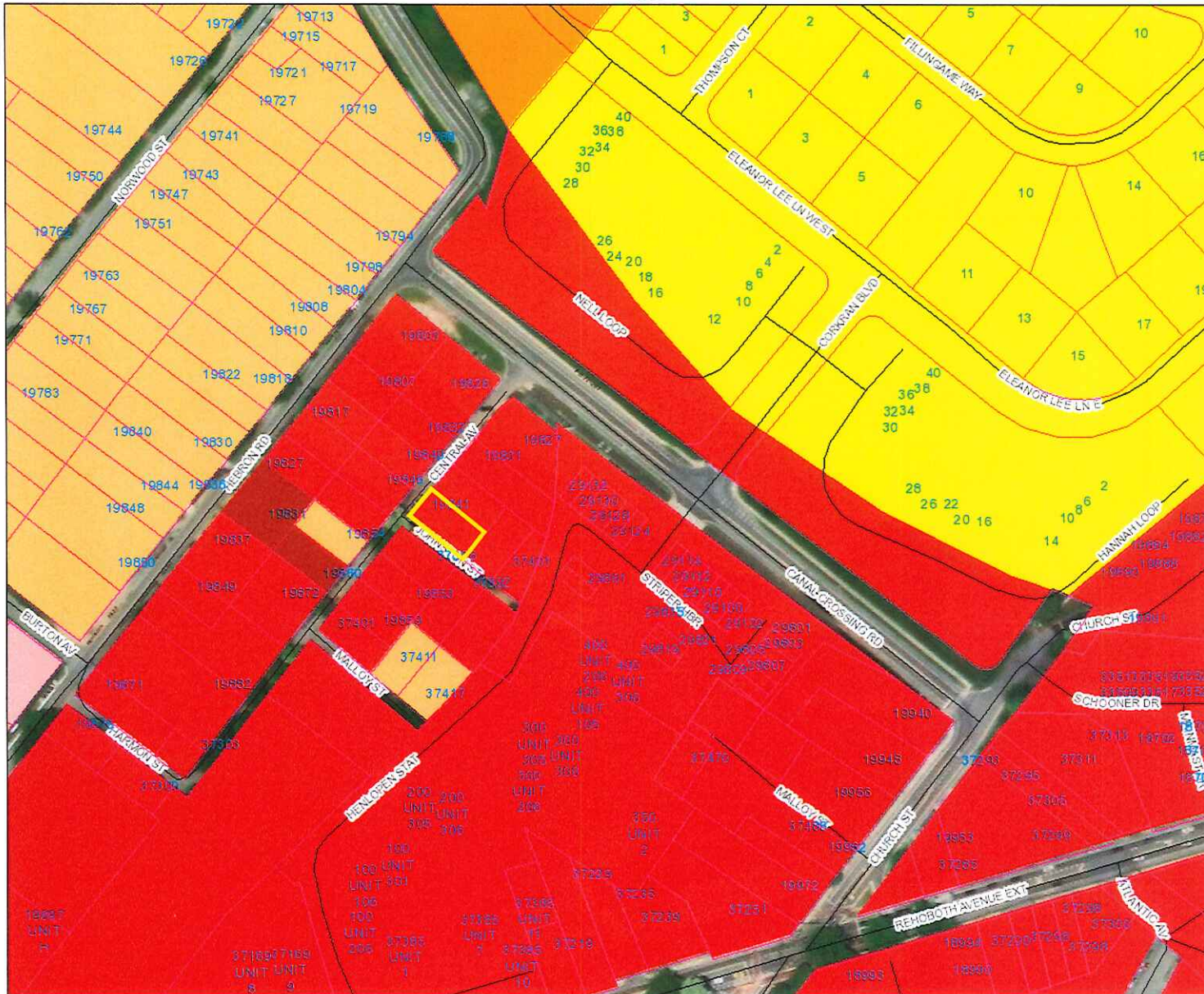
PIN:	334-13.20-24.00
Owner Name	EKC BREWERY LLC
Book	4714
Mailing Address	35846 BLACK MARLIN DR
City	LEWES
State	DE
Description	SHOCKLEY SUB DIV
Description 2	BLK 4 LOT 45
Description 3	N/A
Land Code	

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





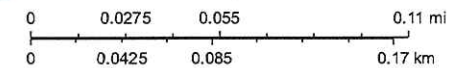
Sussex County



PIN:	334-13.20-24.00
Owner Name	EKC BREWERY LLC
Book	4714
Mailing Address	35846 BLACK MARLIN DR
City	LEWES
State	DE
Description	SHOCKLEY SUB DIV
Description 2	BLK 4 LOT 45
Description 3	N/A
Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets

1:2,257



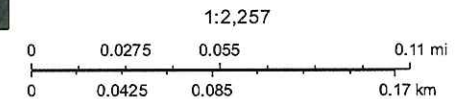


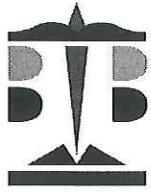
Sussex County



PIN:	334-13.20-24.00
Owner Name	EKC BREWERY LLC
Book	4714
Mailing Address	35846 BLACK MARLIN DR
City	LEWES
State	DE
Description	SHOCKLEY SUB DIV
Description 2	BLK 4 LOT 45
Description 3	N/A
Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Conditional Use





BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT G

Land Use History

PLANNING & ZONING

JAMIE WHITEHOUSE AICP
DIRECTOR
(302) 866-7878



Sussex County

DELAWARE
sussexcountyde.gov

September 29, 2021

Beachfire Brewing Company, LLC v/a Revelation Craft Brewing Company
19841 Central Avenue
Rehoboth Beach, DE 19971

Dear Beachfire Brewing Company, LLC v/a Revelation Craft Brewing Company:

On December 16, 2019, the Sussex County Board of Adjustment approved your Case# 12391 for a special use exception to place a tent for more than three (3) days. The Board granted the special use exception until December 31, 2021. This is with the understanding that you would reapply for a renewal if necessary or remove the use at the end of the approved period.

The special use exception will expire on December 31, 2021. If your special use exception is no longer needed, then you must remove the use within thirty (30) days from the receipt of this notice. If the use still exists, you must reapply to the Planning and Zoning Department for a Special Use Exception.

Failure to comply with the above requirements will result in a violation being issued and could result in a \$100.00 per day fine until the violation is corrected. This matter will be referred to the Sussex County Constable's Office if you fail to comply.

Sincerely,

A handwritten signature in cursive script that reads "Ann Lepore".

Ann Lepore
Planning Technician

10/26/21



BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: BEACHFIRE BREWING COMPANY, LLC

(Case No. 12391)

A hearing was held after due notice on December 16, 2019. The Board members present were: Dr. Kevin Carson, Mr. Jeff Chorman, Ms. Ellen Magee, Mr. John Williamson, and Mr. Brent Workman.

Nature of the Proceedings

The Board found that the Applicant is requesting a variance of 0.6 feet from the fifteen (15) feet corner front yard setback requirement for a proposed tent, a variance of 13.3 feet from the forty (40) feet front yard setback requirement for a proposed tent, a variance of 9 parking spaces from the parking space requirement of 16 spaces, and a special use exception to place a tent for more than three days. This application pertains to certain real property located on the northeast corner of Central Avenue and Johnston Street within the Shockley subdivision (911 Address: 19841 Central Avenue, Rehoboth Beach); said property being identified as Sussex County Tax Map Parcel Number 3-34-13.20-24.00. After a public hearing, the Board made the following findings of fact:

Findings of Fact

1. The Board was given copies of the Application, a survey of the Property dated September 9, 2019, an exhibit of relevant code sections, a schematic of the proposed tent, overflow parking sketch plans, an aerial photograph of the Property, and a portion of the tax map of the area.
2. The Board found that the Office of Planning & Zoning received 474 letters in support of the Application and one letter in opposition to the Application.
3. The Board found that Board found that Mr. Harry Metcalf was sworn in to give testimony about the Application. Ms. Taylor Trapp, Esquire and Ms. Mackenzie Peet, Esquire presented the case on behalf of the Applicant and submitted photographs showing the location of the additional parking.
4. The Board found that Ms. Trapp stated that Revelation Brewing is a local brewery whose primary clientele bikes or walks to the site.
5. The Board found that Ms. Trapp stated that the lot is non-conforming and is unique as it is both narrow and shallow. The lot measures 50 feet by 100 feet and has a corner front on Johnston Road.
6. The Board found that Ms. Trapp stated that the existing pole barn, which is used for the brewery and patrons, covers most of the lot.
7. The Board found that Ms. Trapp stated that the Applicant proposes to use a tent on the site for additional patrons and the tent measures 15 feet by 30 feet.
8. The Board found that Ms. Trapp stated that the Property cannot otherwise be developed without a variance.
9. The Board found that Ms. Trapp stated that the variances will not alter the essential character of the neighborhood but enhance it and that the Applicant has made many improvements to the area.
10. The Board found that Ms. Trapp stated that the Property and neighboring properties are zoned C-1 Commercial.
11. The Board found that Ms. Trapp stated that the micro-brewery has been in existence since 2015.
12. The Board found that Ms. Trapp stated that the Applicant will be moving to a larger space nearby when all agency approvals have been received. As such, the approvals will only be needed for a limited time.

13. The Board found that Ms. Trapp stated that, due to the uniqueness of the Property, the lot cannot be developed to conform with the Sussex County Zoning Code.
14. The Board found that Ms. Trapp stated that the exceptional practical difficulty was not created by the Applicant as the Applicant is leasing the Property and did not create the size and shape of the lot. Rather, the lot was created by a prior owner.
15. The Board found that Ms. Trapp stated that the variances are the minimum to afford relief.
16. The Board found that Ms. Trapp stated that off-site parking is available on 2 lots which are within walking distance of the site. One lot is located across the street and the other lot is located on the same side of the road. According to Ms. Trapp, there are 43 parking spaces on those lots and the reduction in parking on this lot will be addressed by allowing patrons to park on other lots close by.
17. The Board found that Ms. Trapp stated that the special use exception request is for a temporary period of time and that the tent will not substantially affect adversely the uses of adjacent and neighboring properties as the area is zoned commercial and is mostly surrounded by commercial uses.
18. The Board found that Ms. Trapp stated that the tent will provide patrons cover in the rain.
19. The Board found that Mr. Metcalf testified that he has applied to the Fire Marshal for approval.
20. The Board found that Mr. Metcalf testified that there will be a couple of televisions and live music under the tent at times but the business' clientele is not a late-night crowd.
21. The Board found that Mr. Metcalf testified that the tent is required to add additional seating for his patrons.
22. The Board found that Mr. Metcalf testified that there are 13 seats and 2 tables inside the facility and the tent will add 30-40 seats, which are important during the off-season.
23. The Board found that Mr. Metcalf testified that there is live music but usually just one or two people singing and playing a guitar.
24. The Board found that Mr. Metcalf testified that the pole building is also used for brewing and only has approximately 250 square feet for patrons because the rest is used for the brewery operation.
25. The Board found that Mr. Metcalf testified that the Applicant hopes to relocate its business to the new location in 2020.
26. The Board found that Mr. Metcalf testified that the tent will project no lights.
27. The Board found that Mr. Metcalf testified that the Applicant paved part of Johnston Street.
28. The Board found that Mr. Metcalf testified that the area is a mixed use area but Johnston Street is commercial.
29. The Board found that Mr. Metcalf testified that there have been no parking complaints and he disputes the allegations raised in Mr. Hall's letter.
30. The Board found that Mr. Metcalf testified that the hours of operation are generally noon to 9:00 pm with extended hours on the weekend off-season. Summer hours are 11 am – 11 pm and there are three occasions during the year when they participate in charity events when they open at 9 am. The facility never opens before 9 am.
31. The Board found that Mr. Metcalf testified that there is no smoking permitted on the property.
32. The Board found that Mr. Metcalf testified that his lease ends in May 2020 but he is working with the landlord to extend if necessary.
33. The Board found that Mr. Metcalf testified that parking is not an issue as many of the customers cycle or walk to the location and there are bicycle racks on the lot across the street for patrons.

34. The Board found that Mr. Metcalf affirmed the statements made by Ms. Trapp as true and correct.
35. The Board found that the following people were sworn in to testify in support of the Application: Mr. Brian Grawehr, Mr. Bennett Allen, Mr. Jake Shepherd, Mr. Ray Grabiak, and Mr. Rich Rohde. Mr. Grawehr, Mr. Allen, and Mr. Shepherd work for the Applicant and Mr. Grabiak and Mr. Rohde are patrons of the business who generally either walk or bike to the facility.
36. The Board found that Mr. Shepherd testified that many people who use the trail system are patrons of the brewery.
37. The Board found that Mr. Rohde testified that he has not seen parking issues.
38. The Board found that eleven (11) parties appeared in support of and no parties appeared in opposition to the Application.
39. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board weighed and considered, the Board determined that the application met the standards for granting a variance. The findings below further support the Board's decision to approve the variance Application.
 - a. The Property is unique due to its size, shape, and historical use. The lot has unique characteristics as the lot is only 50 feet wide and consists of only 5,000 square feet. The Property is also unique because it is a corner lot. As such, the building envelope is exceptionally limited. These unique physical conditions have created an exceptional practical difficulty for the Applicant who seeks to use a tent for additional seating for its brewpub operation. The existing brewpub facility has very limited seating and a reasonably sized tent is needed to afford additional seats for patrons. The Board also notes that the situation is unique because the business utilizes off-site parking which allows its patrons to park off-site. The unique characteristics of this Property have created a limited building envelope and have created an unnecessary hardship and exceptional practical difficulty for the Applicant who seeks to place a tent and to reduce parking spaces on the lot.
 - b. The unnecessary hardship and exceptional practical difficulty are not being created by the provisions of the Sussex County Zoning Code. As noted above, the unnecessary hardship and exceptional practical difficulty are being created by the lot's unique conditions.
 - c. Due to the uniqueness of the lot, the Property cannot be developed in strict conformity with the Sussex County Zoning Code. The Property has unique physical characteristics and the buildable area thereof is limited due to those characteristics. The Applicant seeks to use a tent on the lot but is unable to do so without violating the Sussex County Zoning Code. The Board is convinced that the variances are necessary to enable the reasonable use of the Property as the variances will allow the reasonably sized tent to be used on the lot. The Board is convinced that the shape and location of tent are also reasonable, which is confirmed when reviewing the exhibits provided by the Applicant. The Board notes that the tent will allow the Applicant a safe area for which to serve its patrons. The parking variance is also needed for the tent.
 - d. The unnecessary hardship and exceptional practical difficulty were not created by the Applicant. The lot is exceptionally small and narrow and these conditions have resulted in a limited building envelope on the Property. These conditions have created the unnecessary hardship and exceptional practical difficulty.
 - e. The variances will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of

adjacent property, nor be detrimental to the public welfare. The Board is convinced that the tent will have no effect on the character of the neighborhood. The Property has been developed with a brewpub since 2015 and is near other commercial properties. The brewpub is near a bike trail and many customers of the brewpub bike or walk to the facility. Opposition raised concerns about the variance requests and noted that nearby properties are used residentially. It is clear to the Board, however, that the community has a mixed-use characteristic with homes and businesses. The Board was not convinced that the variances would somehow alter the essential character of the neighborhood or substantially or permanently impair the appropriate use or development of adjacent property or be detrimental to the public welfare. The Board notes that the off-site parking, which the Board finds to be material to its determination that the Applicant has satisfied this requirement, should alleviate parking concerns.

- f. The variances sought are the minimum variances necessary to afford relief and the variances requested represent the least modifications possible of the regulations at issue. The Applicant has demonstrated that the variances sought will allow the Applicant to use a reasonably sized tent on the lot. The Applicant was significantly constrained by the size and shape of the lot and it is quite clear that, due to unique conditions of the lot, the Applicant was unable otherwise utilize this space without a variance. The Board notes that the tent is smaller than a prior tent used on the lot.
- g. The condition or situation of the Property and the intended use of the Property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Sussex County Zoning Code.

40. Based on the findings above and the testimony and evidence presented at the public hearing and the public record, which the Board weighed and considered, the Board determined that the application met the standards for granting a special use exception because the tent will not substantially affect adversely the uses of neighboring and adjacent properties. The findings below further support the Board's decision to approve the Application.

- a. The Property is located in a mixed-use area with other commercial uses nearby.
- b. The Property has been used as a brewpub since 2015 and the use is consistent with that use.
- c. Many patrons use the facility and arrive via bike or walking. Off-site parking is available nearby. The Board notes that the off-site parking is material to its determination that the Applicant has satisfied the special use exception standards.
- d. The hours of the business are reasonable and it was made abundantly clear that the facility is not used much late at night.
- e. The Board was not convinced that the tent would have an impact on traffic, noise, or emissions such that the tent would substantially affect adversely the uses of neighboring and adjacent properties.
- f. The special use exception approval is subject to the following conditions;
 - i. The special use exception approval is valid only until December 31, 2021.
 - ii. No music shall be played in the tent from the hours of 8:00 pm to 9:00 am.
 - iii. This approval shall in no way supersede any conditions created by Sussex County Council in the approval of a conditional use for the Property and the Applicant must remain compliant with those

conditions. A violation of a condition of the conditional use approval shall constitute a violation of this special use exception approval.

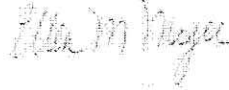
The Board granted the variance and special use exception application finding that it met the standards for granting a variance and a special use exception.

Decision of the Board

Upon motion duly made and seconded, the variance application was approved. The Board Members in favor of the motion to approve were Dr. Kevin Carson, Mr. Jeffrey Chorman, Ms. Ellen Magee, Mr. John Williamson, and Mr. Brent Workman. No Board Member voted against the motion to approve the variance application.

Upon motion duly made and seconded, the special use exception application was approved. The Board Members in favor of the motion to approve were Dr. Kevin Carson, Mr. Jeffrey Chorman, Ms. Ellen Magee, and Mr. John Williamson. Mr. Brent Workman voted against the motion to approve the special use exception application.

BOARD OF ADJUSTMENT
OF SUSSEX COUNTY



Ellen M. Magee
Chair

If the use is not established within two (2) years from the date below the application becomes void.

Date February 18, 2020

November 15, 2021

Harold E. Dukes, Jr.
323E Rehoboth Avenue
Rehoboth Beach, DE 19971

Sussex County Planning & Zoning Department
Attn: Board of Adjustment
2 The Circle (PO Box 417)
Georgetown, DE 19947

Re: Beachfire Brewing Company, LLC Special Use Exception Application and Overflow Parking Verification

To Whom It May Concern:

I, Harold E. Dukes, Jr., own the Property identified as TMP 334-13.20-21.00, Lot 47, that is leased by Beachfire Brewing Company, LLC t/a Revelation Craft Brewing Company's located at 19841 Central Avenue, Rehoboth Beach, DE 19971 (TMP 334-13.20-24.00) to provide overflow parking for their patrons.

This letter serves to verify that I do hereby permit overflow parking by the patrons of Beachfire Brewing Company, LLC t/a Revelation Craft Brewing Company on my Property.

Sincerely,

A handwritten signature in blue ink that reads "Harold E. Dukes, Jr." in a cursive style.

Harold E. Dukes, Jr.



BAIRD
MANDALAS
BROCKSTEDT LLC

Mackenzie M. Peet
mackenzie@bmbde.com
(302)645-2262

November 18, 2021

Planning & Zoning Department
2 The Circle
PO Box 417
Georgetown, DE 19947

RECEIVED
NOV 22 2021
SUSSEX COUNTY
PLANNING & ZONING

**RE: Beachfire Brewing Company, LLC t/a Revelation Craft Brewing Company -
Board of Adjustment Application
Property: 19841 Central Avenue, Rehoboth Beach, DE 19971
(TMP 334-13.20-24.00)**

Dear Director Whitehouse,

Enclosed is a supplemental submission for the Board of Adjustment application submitted earlier this week on behalf of Beachfire Brewing Company, LLC t/a Revelation Craft Brewing Company seeking a Special Use Exception for the property identified as 19841 Central Avenue, Rehoboth Beach, DE 19971 and further identified as TMP 334-13.20-24.00 to install and maintain a 15' x 30' tent on the property for a period exceeding three days pursuant to Section 115-80 of the Code.

Sincerely,

/s/ Mackenzie M. Peet

Mackenzie M. Peet, Esq.

Enclosure
MMP/mgp

November 15, 2021

Harold E. Dukes, Jr.
323E Rehoboth Avenue
Rehoboth Beach, DE 19971

Sussex County Planning & Zoning Department
Attn: Board of Adjustment
2 The Circle (PO Box 417)
Georgetown, DE 19947

RECEIVED
NOV 22 2021
SUSSEX COUNTY
PLANNING & ZONING

Re: Beachfire Brewing Company, LLC Special Use Exception Application and Overflow Parking Verification

To Whom It May Concern:

I, Harold E. Dukes, Jr., own the Property identified as TMP 334-13.20-21.00, Lot 47, that is leased by Beachfire Brewing Company, LLC t/a Revelation Craft Brewing Company's located at 19841 Central Avenue, Rehoboth Beach, DE 19971 (TMP 334-13.20-24.00) to provide overflow parking for their patrons.

This letter serves to verify that I do hereby permit overflow parking by the patrons of Beachfire Brewing Company, LLC t/a Revelation Craft Brewing Company on my Property.

Sincerely,



Harold E. Dukes, Jr.

January 6, 2022

Sussex County Board of Adjustment
2 The Circle
Georgetown, DE 19947

RE: Case #12651 – Beachfire Brewing Company, LLC

Dear Commissioners:

I have received notice that the Beachfire Brewing Company, LLC is seeking an exception to place a tent for more than 3 days on the property that adjoins my property on Central Ave. and Johnson St. within the Stockley Subdivision. I am in favor of this application. The Beachfire Brewing Company has made a remarkable effort to clean up the area and create good neighborhood relations. I find that their activity has been extremely beneficial to the area and this site is an important part of the community. It is my hope that the Commission will view this application favorably as it is a significant feature of the bike trail.

Thanks you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Hal Dukes". The signature is written in dark ink and is positioned above the printed name.

Hal Dukes

Application # 202117486

Case # 12652

Hearing Date 1/24

Tentative Date = 1/24

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

Type of Application: (please check all applicable)

Variance

Special Use Exception

Administrative Variance

Appeal

Existing Condition

Proposed

Code Reference (office use only)

115-25 115-182

Site Address of Variance/Special Use Exception:

30708 Whites Neck Rd, Dagsboro, De 19939

Variance/Special Use Exception/Appeal Requested:

I am trying to put a front porch on the house. The setbacks from the front of the house are 40'ft. The house sets back 42.1 in. I am looking to bring the porch out 12 ft. I need the extra room because of my wheelchair

Tax Map #: 134-8.00-10.00

Property Zoning: AR1

Applicant Information

Applicant Name: Theodore J Banks

Applicant Address: 30101 Holt's Landing Rd

City Dagsboro State De Zip: 19939

Applicant Phone #: 236-3574 Applicant e-mail: Ted.Banks.75@gmail.com

Owner Information

Owner Name: Theodore John Banks

Owner Address: 30101 Holt's Landing Rd

City Dagsboro State De Zip: 19939 Purchase Date: 9/21

Owner Phone #: 236-3574 Owner e-mail: Ted.Banks.75@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

Theodore J Banks

Date: 12-4-2021



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.

1. ONE side is on a island

2. ZONING Ordinance 3 State Road more of a setback.

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.

Wheel chair entrance will be for the front of the house

3. Not created by the applicant:

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

I did not intend to create a use of this porch due to the fact I am in a chair

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.

Correct We own the surrounding area.

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.

I need the width more standard operating of my wheelchair for safety.

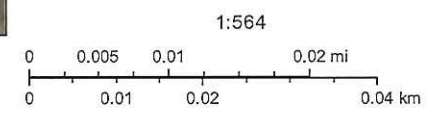


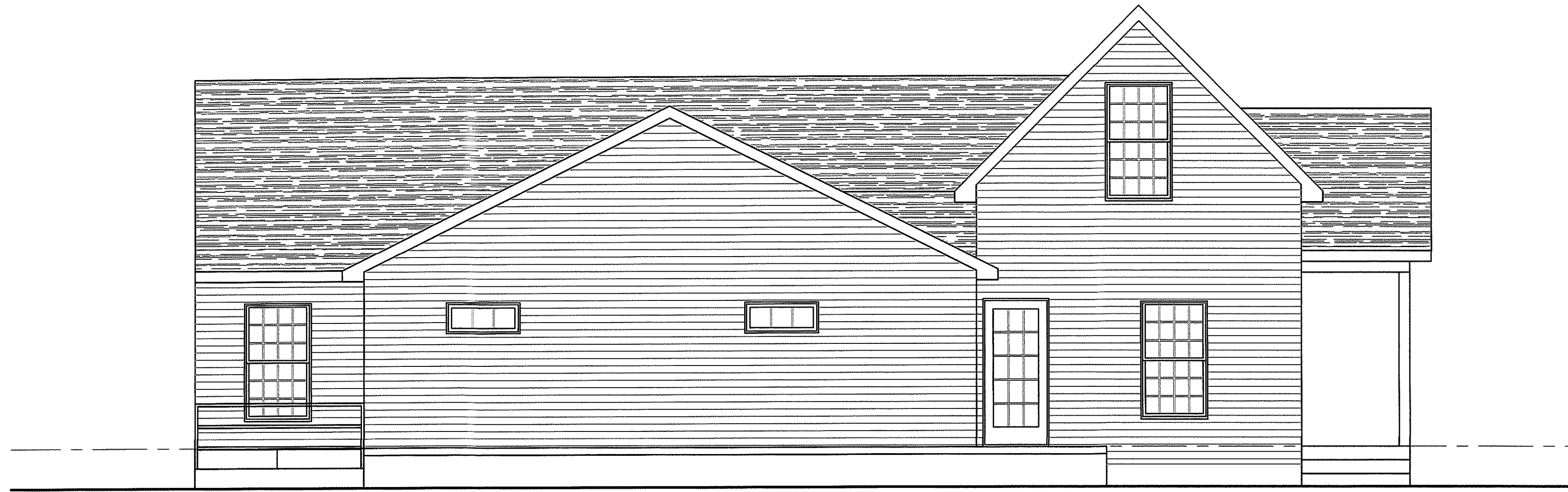
PIN:	134-8.00-10.00
Owner Name	SOUTHERN COMFORT DELAWARE LLC
Book	5557
Mailing Address	30101 HOLTS LANDING RD
City	DAGSBORO
State	DE
Description	HWY.MILLVILLE TO
Description 2	WHITES NECK
Description 3	LOT W/IMP.
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

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





3 REAR ELEVATION
1/4" = 1'-0"



4 LEFT SIDE ELEVATION
1/4" = 1'-0"

W.F. HORN
ARCHITECT, INC.
30083 W. BARRIER BEEF BLVD. LEWIS, DELAWARE
PHONE: 302-674-1820 302-231-2176

RESIDENTIAL RENOVATION
TED BANKS
30708 WHITES NECK ROAD
DAGSBORO, DELAWARE

SIGNATURE OF :
WILLIAM F. HORN, JR.
DATE OF SIGNATURE:
11//23/21
DATE OF REGISTRATION:
EXPIRATION : 1/31/22

PRINTED	PURPOSE
11/23/21	FOR CONSTRUCTION

ELEVATIONS
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THE PROFESSIONAL SERVICES OF THE ARCHITECT ARE UNDERTAKEN FOR AND ARE PERFORMED IN THE INTEREST OF TED BANKS. NO CONTRACTUAL OBLIGATION IS ASSUMED BY THE ARCHITECT FOR THE BENEFIT OF ANY OTHER PERSON INVOLVED IN THE PROJECT.

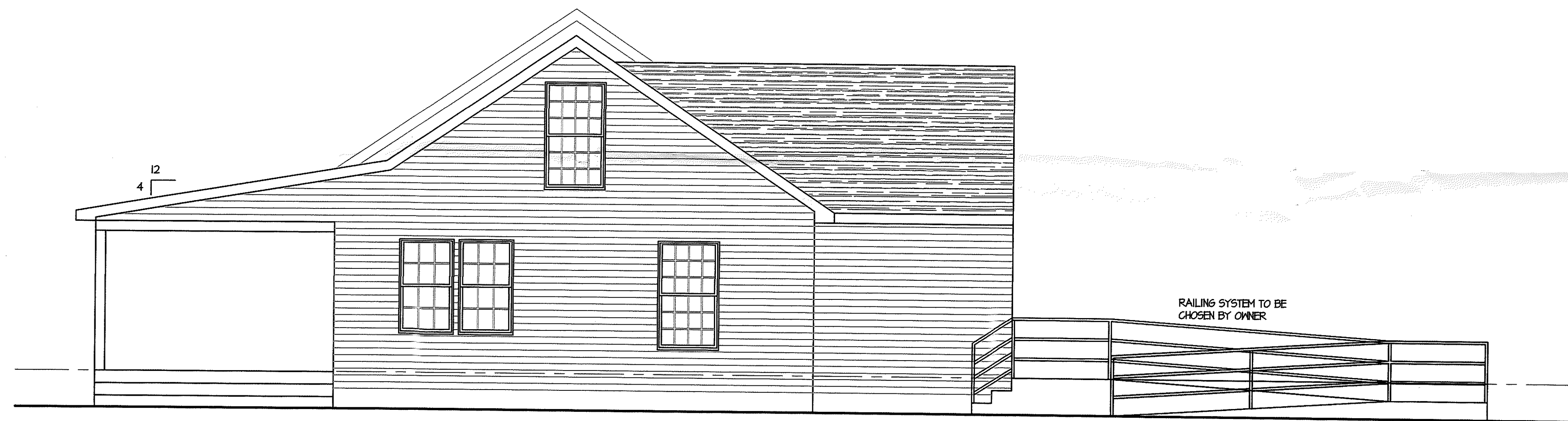
THE ARCHITECT WHO SEALED, SIGNED AND DATED THIS DOCUMENT HAS NOT BEEN EMPLOYED TO FURNISH CONSTRUCTION CONTRACT ADMINISTRATION SERVICES AS DEFINED IN 24 DEL. C. 303 (C).

DESIGNED WFH
DRAWN WFH
CHECKED WFH
PROJ. NO. TB1021
SCALE AS NOTED
SHEET NUMBER
A2.2
VARIANCE

COPYRIGHT © 2021 W.F. HORN ARCHITECT, INC.



1 FRONT ELEVATION
1/4" = 1'-0"



2 RIGHT SIDE ELEVATION
1/4" = 1'-0"

W.F.HORN
ARCHITECT, INC.
30083 W. BARRIER REEF BLVD. LEWES, DELAWARE
PHONE: 302-674-1620 302-231-2176

RESIDENTIAL RENOVATION
TED BANKS
30708 WHITES NECK ROAD
DAGSBORO, DELAWARE

SIGNATURE OF : WILLIAM F. HORN, JR.	
DATE OF SIGNATURE: 11//23/21	
DATE OF REGISTRATION: EXPIRATION : 1/31/22	
PRINTED	PURPOSE
11/23/21	FOR CONSTRUCTION

ELEVATIONS
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THE PROFESSIONAL SERVICES OF THE ARCHITECT ARE UNDERTAKEN FOR AND ARE PERFORMED IN THE INTEREST OF TED BANKS. NO CONTRACTUAL OBLIGATION IS ASSUMED BY THE ARCHITECT FOR THE BENEFIT OF ANY OTHER PERSON INVOLVED IN THE PROJECT.

THE ARCHITECT WHO SEALED, SIGNED AND DATED THIS DOCUMENT HAS NOT BEEN EMPLOYED TO FURNISH CONSTRUCTION CONTRACT ADMINISTRATION SERVICES AS DEFINED IN 24 DEL. C. 303 (C).

DESIGNED WFH
DRAWN WFH
CHECKED WFH
PROJ. NO.TB1021
SCALE AS NOTED
SHEET NUMBER
A2.1
VARIANCE

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 # 12653
Hearing Date 1/24/22
202113337

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-23 115-210

Site Address of Variance/Special Use Exception:

23004 Seagull Lane Georgetown, DE 19947

Variance/Special Use Exception/Appeal Requested:

Permission to construct stand alone approx 600 sq ft hardship situation dwelling for my Autistic daughter. (see letters)

Tax Map #: 1-33-06-56.15

133-6.00-56.15

Property Zoning: AR-1

Applicant Information

Applicant Name: Rodger Pearce
Applicant Address: 23004 Seagull Lane
City Georgetown State DE Zip: 19947
Applicant Phone #: (302) 245-9641 Applicant e-mail: rpearce@megee.co

Owner Information

Owner Name: Rodger Pearce
Owner Address: 23004 Seagull Lane
City Georgetown State DE Zip: 19947 Purchase Date: July 2005
Owner Phone #: (302) 245-9641 Owner e-mail: rpearce@megee.co

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: 12/6/21



Criteria for a Special Use Exception: (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 Special Use Exception to be granted.

1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property.

See appendix A

2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code. (Ex. Time limitations – 5 year maximum)

Basis for Appeal: (Please provide a written statement regarding reason for appeal)

Adjacent neighbor opposed the Administrative Approval Application.

Appendix A

Criteria for a Special Use Exception

1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property.

a. No additional traffic or parking will be required. My daughter Hope cannot drive. The Dart Paratransit bus presently picks her up and drops her off at the home and that will continue as it has.

b. There will be no additional pollution from the proposed dwelling. Mr. Mallory's property sits adjacent to the Melvin Joseph Sand and Gravel Pit where machinery starts at approx. 7-7:30am daily and runs throughout the day as part of their normal operations. In addition to the machinery at the plant dump trucks regularly run down Bunting Rd. throughout the day. The proposed Special Use Exception dwelling will not add to noise pollution. In fact due to Hope's autism she does not like loud noises.

c. The proposed Special Use Exception dwelling will sit in the same location as an existing shed therefore it will not affect the use of Mr. Mallory's property.

A handwritten signature in black ink, appearing to read "Jeff Tease". The signature is fluid and cursive, with a large initial "J" and "T".

DENIED

Case # GSA-21-15

Administrative Approval 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

Hearing Date _____
(where applicable)

202110401

Type of Application: (please check all applicable)

- Manufactured Home-Type Structure for Business, Commercial or Industrial Use.
- Garage/Studio Apartment. For hardship situation
- Manufactured Home-Type Structure for Emergency or Hardship Situation.

Existing Structure:
 Proposed Structure:
 Code Reference (office use only)

Site Address:

23004 Seagull Lane Georgetown DE. 19947

Description of Request:

Permission to construct a stand alone 600 sq. ft. Hardship situation dwelling for autistic daughter (see letter)

Tax Map #: 133-6.00-56.15

Property Zoning: AR-1

Applicant Information

Applicant Name: Rodger Pearce
 Applicant Address: 23004 Seagull Lane
 City: Georgetown State de Zip: 19947
 Applicant Phone #: (302) 245-9641 Applicant e-mail: rpearce@megee.co

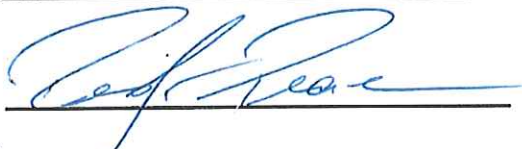
Owner Information

Owner Name: Rodger Pearce
 Owner Address: 23004 Seagull Lane
 City: Georgetwon State DE Zip: 19947 Purchase Date: 7/14/05
 Owner Phone #: (302) 245-9641 Owner e-mail: rpearce@megee.co

Agent/Attorney Details

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

Signature of Owner/Agent/Attorney



Date: 11/9/21



Criteria for a Special Use Exception: (Please provide a written statement regarding each criteria)

Applicant's must demonstrate that the property meets ALL of the criteria for a Special Use Exception to be granted.

1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property:

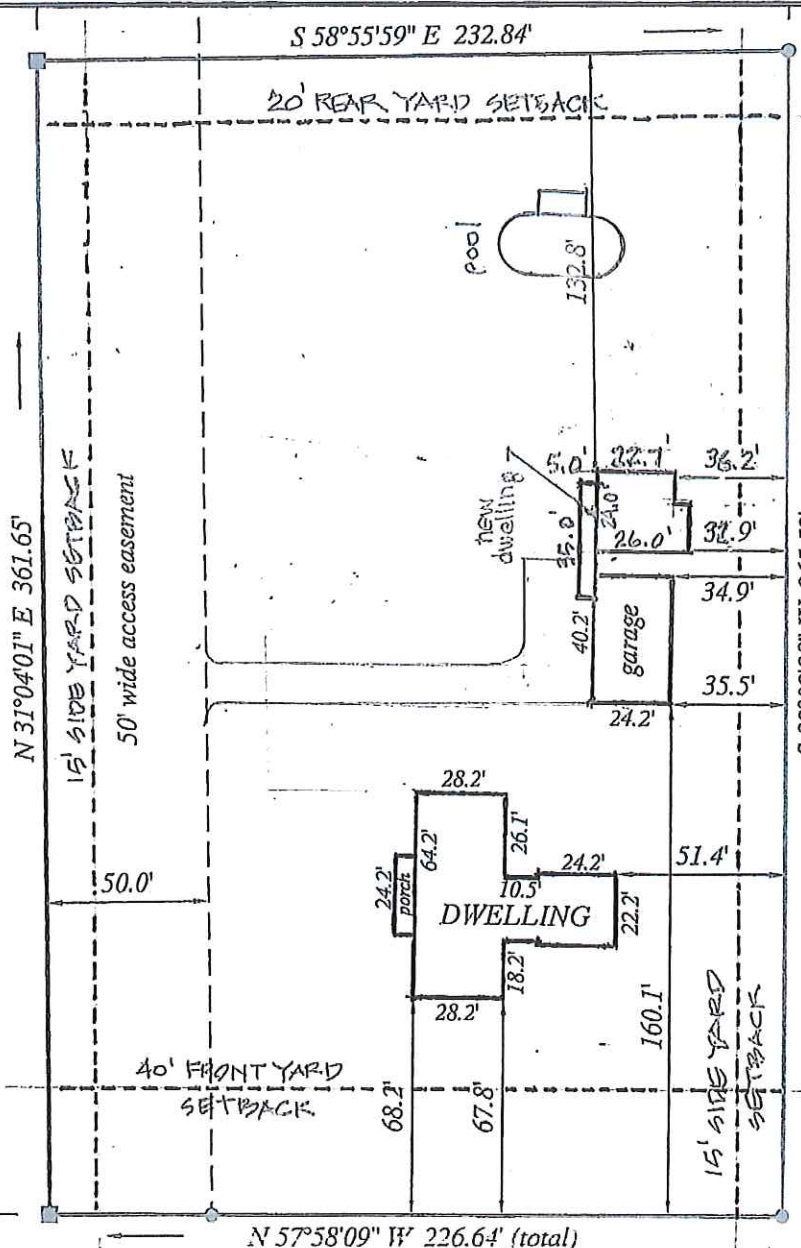
Proposed use and its effect on adjacent and neighboring property:

1. The proposed use is residential as all adjacent properties and therefore the proposed use will have no negative effect in terms of noise or visual intrusion on the neighborhood.
2. Total square footage of the proposed one story building is approx 600 sq ft, half the size of adjacent garage. The proposed dwelling will have a small open porch on front of the building.
3. The existing 554 sq. ft. existing shed adjacent to the garage will be removed. The proposed dwelling will take its place in order to minimize the visual impact on adjacent properties.
4. The applicant's property is bounded by a 25ft high continuous evergreen hedgerow (vegetated buffer) on the east and north property lines which will also screen any views from the north and east towards the proposed structure. The west property line is also planted with a combination of sheds and trees which obscures the view to the proposed structure from the property owner on the west. The existing house and garage will screen all views from the property to the south across Bunting Road.

-
2. Any other requirements which apply to a specific type of Special Use Exception as required by the Sussex County Code (such as the maximum amount of time permitted):

FIRM INFORMATION:
 100029 - 0325 - J
 JANUARY 06, 2005
 ZONE: "X", NO B.F.E.

Lands of
 ULYSSES J. DAUGHTON
 db. 2949, pg. 38



Lands of
 DONNALEE V. MAILLORY
 db. 1714, pg. 267

NOTE:
 This plat and survey does not verify
 the existence or nonexistence of
 right-of-ways and/or easements
 pertaining to this property.

APPROVED
 01-11-05
 L. J. GUSTAFSON
 Surveyor

0.89 ± mi. to the r/w
 of Co. Rd. No. 432

COUNTY ROAD NO. 322 (50' R/W)

Lands of HERBERT L. MOORE and LAURA S. MOORE to
 be conveyed to RODGER B. PEARCE and KIMBERLY T.
 PEARCE. Being known as LOT NO. 1, LANDS OF
 CLEVELAND M. & LILLIAN I. KEMP. Ref: plat book 39,
 page 117.

- 3/4" PIPE (FD)
- CONCRETE MON. (FD)

AREA: 1.9174 ACRES
 TAX MAP NO. 1-33-06-56.15

SCALE: 1"=60'

No title search provided or stipulated.
 CLASS "B" SURVEY

HUNDRED: BALTIMORE
 COUNTY: SUSSEX
 STATE OF DELAWARE
 DATE: 07/14/05
 DRAWN BY: P. ARNOLD

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

SEAL

 P.L.S. 289

PROPOSED LOCATION PLAN

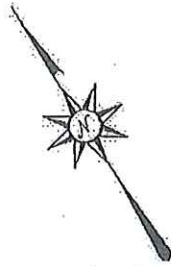
FIRM INFORMATION:
 100029 - 0325 - J
 JANUARY 06, 2005
 ZONE: "X", NO B.F.E.

Lands of
 ULYSSES J. DAUGHTON
 db. 2949, pg. 38

N 31°04'01" E 361.65'

50' wide access easement

S 58°55'59" E 232.84'



green house

shed

garage

DWELLING

This Does not exist

Lands of
 DONNALEE V. MALLORY
 db. 1714, pg. 267

S 32°02'39" W 365.52'

NOTE:
 This plat and survey does not verify
 the existence or nonexistence of
 right-of-ways and/or easements
 pertaining to this property.

APPROVED
 FOR RECORDING
 7-11-05
 SUSSEX COUNTY
 PLANNING & ZONING COMMISSION

0.89 ± mi. to the r/w
 of Co. Rd. No. 432

N 57°58'09" W 226.64' (total)

COUNTY ROAD NO. 322 (50' R/W)

Lands of HERBERT L. MOORE and LAURA S. MOORE to
 be conveyed to RODGER B. PEARCE and KIMBERLY T.
 PEARCE, Being known as LOT NO. 1, LANDS OF
 CLEVELAND M. & LILLIAN I. KEMP. Ref: plat book 39,
 page 117.

- 3/4" PIPE (FD)
- CONCRETE MON. (FD)

AREA: 1.9174 ACRES

No title search provided or stipulated.

TAX MAP NO. 1-33-06-56.15

SCALE: 1"=60'

CLASS "B" SURVEY

HUNDRED: BALTIMORE
 COUNTY: SUSSEX
 STATE OF DELAWARE
 DATE: 07/14/05
 DRAWN BY: P. ARNOLD

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

[Signature]
 7/14/05

P.L.S. 289

Existing Survey



23074

Seagull Ln

Seagull Ln

23004 Seagull Ln,
Georgetown, DE 19947

Rd 322

Bunting Rd

21753

2302

Bunting Rd

22025

22007

21762

Cinder block
3/16/13

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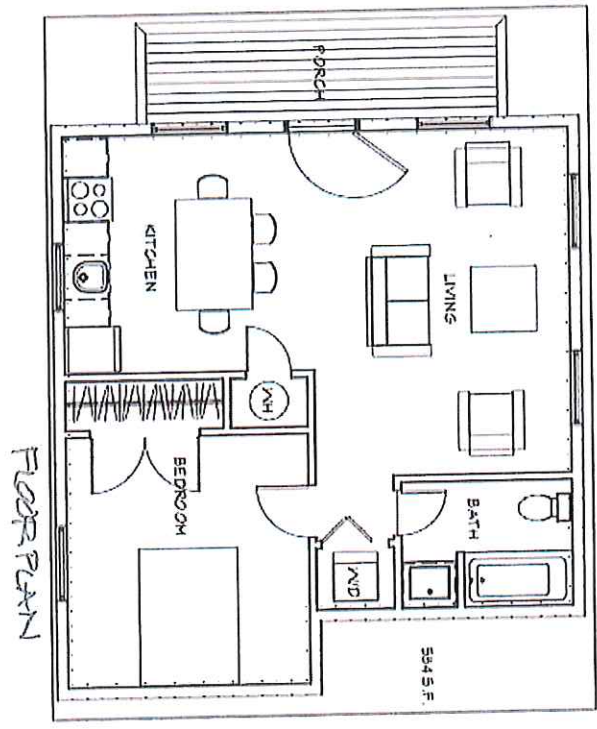
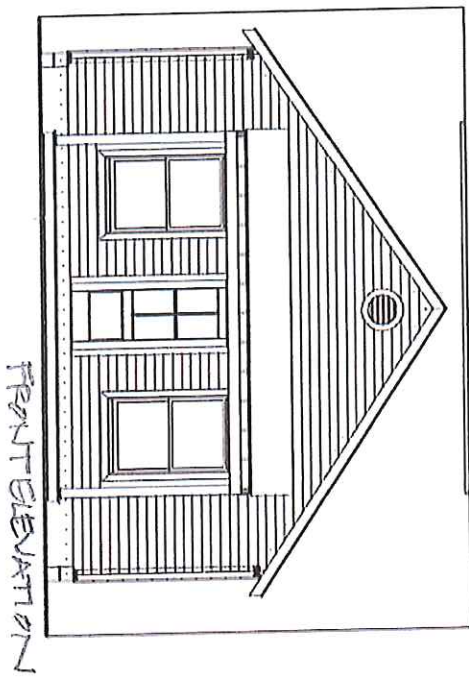
Jeff Wolf

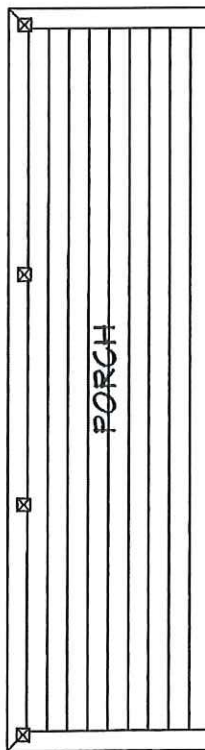
Architect

Rehoboth Beach, DE

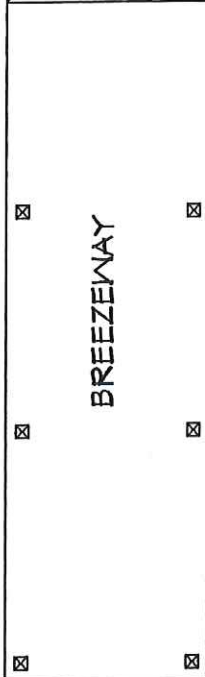
C: [301-325-1651](tel:301-325-1651)

jeffreyswolf@gmail.com

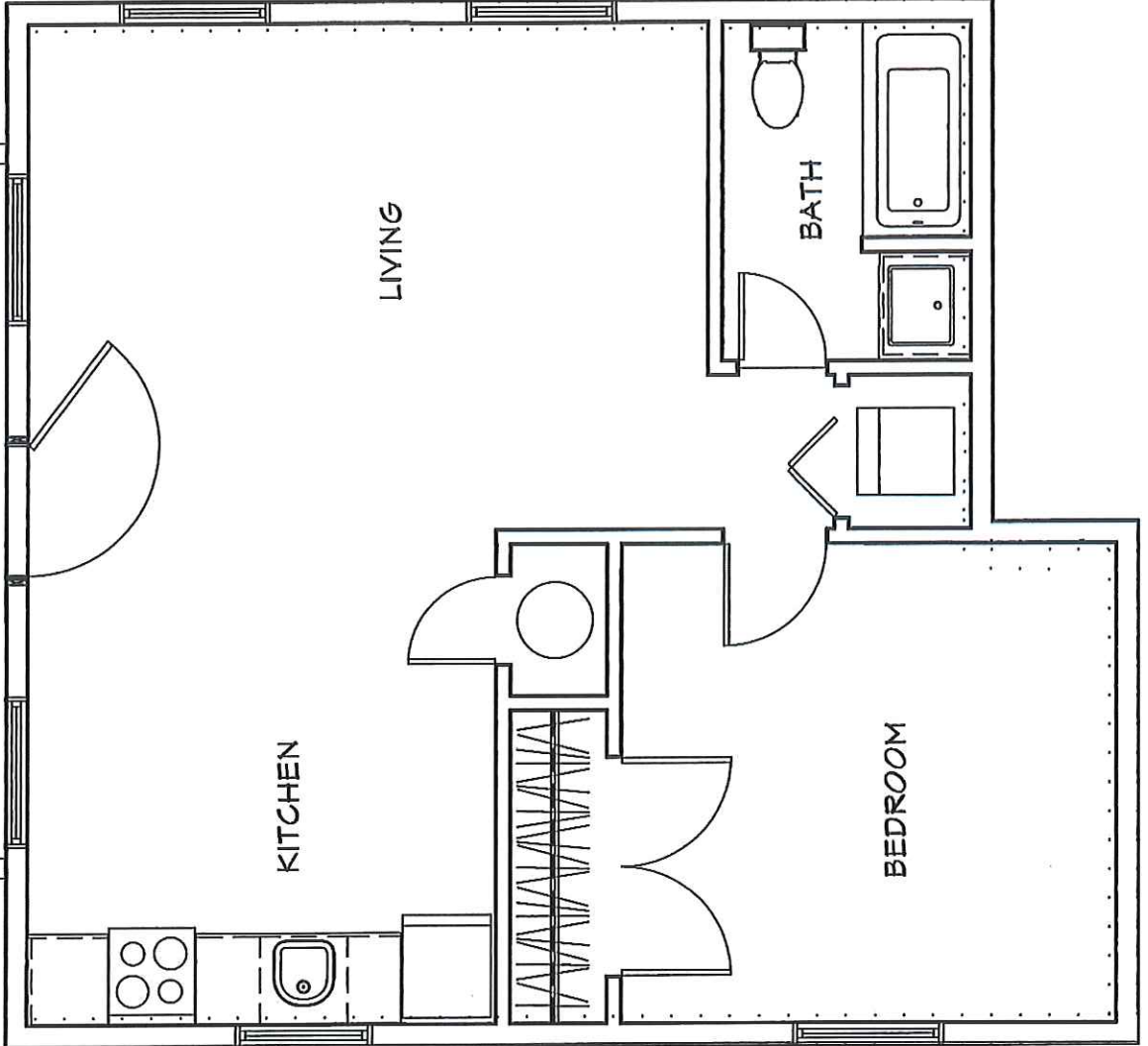




PORCH



BREEZEWAY



LIVING

KITCHEN

BATH

BEDROOM



EXISTING GARAGE

November 8, 2021

Rodger and Kimberly Pearce
23004 Seagull Lane
Georgetown, DE. 19947
302-245-9641
rpearce@megee.co

RE: Hardship situation stick built structure on property

To Whom it may concern,

My daughter Hope Pearce who at time of this letter is 24 years of age. She is also autistic.

Due to her autism she has social awareness deficiencies. Her awareness of people that pose a threat or danger to her is extremely limited. With much work from the family she has gained some independence and is able to work at a chocolate store. She takes the Dart Paratransit Bus to and from work. I share that information with you to show that Hope at no time is away from home without supervision.

As she has gained independence she is able to perform most home duties and has been a dream/goal for her to have her own place. Please see attached letter from Hope.

It is in Hope's best interest to both continue her growth in independence, but to stay close to the family. Please see Hope's doctor attached letter.

Therefore, we are desiring to build a Hardship situation approx. 600 sq. ft. stand-alone stick built additional dwelling on our property for her use. Please see attached drawings of location.

Respectfully,

A handwritten signature in black ink, appearing to read "Rodger Pearce", written in a cursive style.

Rodger Pearce

TidalHealth Primary Care

503 W. Market Street Georgetown, DE 19947
(302) 856-7099 Fax (302) 856-3247

Harry C. Anthony, Jr., M.D. Joseph F. Karnish, D.O. Maritza G. Parreno, M.D.
Jessica W. Baxter, FNP-BC Melissa Tyler, PA-C

September 2, 2021

To Whom It May Concern:

RE: Hope V. Pearce (dob: 03/24/1997)

Hope is a 24 year-old female who has been under our medical care for many years. Her medical diagnoses include autism spectrum disorder and hypothyroidism secondary to Hashimoto's thyroiditis. She has expressed a desire to become more independent and specifically indicated she would like to live in her own apartment but nearby her parents. After speaking with her parents who retain Hope's guardianship, they are willing to build a cottage on the property for Hope that would meet all their needs. I believe this arrangement would be an immense boost to Hope's self-esteem and provide comfort at the same time to her family to be able to support Hope while avoiding potential dangers of Hope living alone in a public setting and significantly distant from her guardians.

Sincerely,



Joseph F. Karnish, D. O.

Dear:

My name is Hope Pearce. I have Autism But ~~it will~~ ^{that} won't stop me for reaching my goals.

The reason for building a new house near my family's yard because I want to be near my family but not too far.

I want to have my own place so I can have my own independence my own space.

So I hope you can build my new home near my family's yard.

Love: Hope

PLANNING & ZONING

JAMIE WHITEHOUSE, AICP
DIRECTOR

(302) 855-7878
PANDZ@SUSSEXCOUNTYDE.GOV



Sussex County

DELAWARE
sussexcountyde.gov

November 22, 2021

Rodger Pearce
23004 Seagull Lane
Georgetown, DE 19947

RE: Denial Letter for Administrative Special Use Exception Approval for a Garage/Studio Apartment under 800 square feet for Lands of Rodger Pearce located at 23004 Seagull Lane (GSA-21-15)
Tax Parcel: 133-6.00-56.15

Dear Rodger Pearce:

The submitted request for the Administrative Special Use Exception Approval (Section 115-20A) for a Garage/Studio Apartment to be located at the above address has been **denied**.

Based on the criteria for the denial of an Administrative Approval it has been determined that:

- The Planning Office received an objection to the requested Administrative Approval.

The Applicant may proceed with an application to the Sussex County Board of Adjustment following receipt of an additional \$350.00 fee. Payment by check shall be made out to Sussex County Council.

Please feel free to contact me with any questions during business hours 8:30 am – 4:30 pm Monday through Friday at 302-855-7878.

Sincerely,

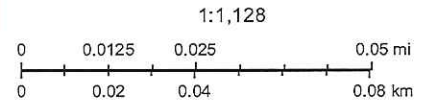
Ann Lepore
Planning Technician



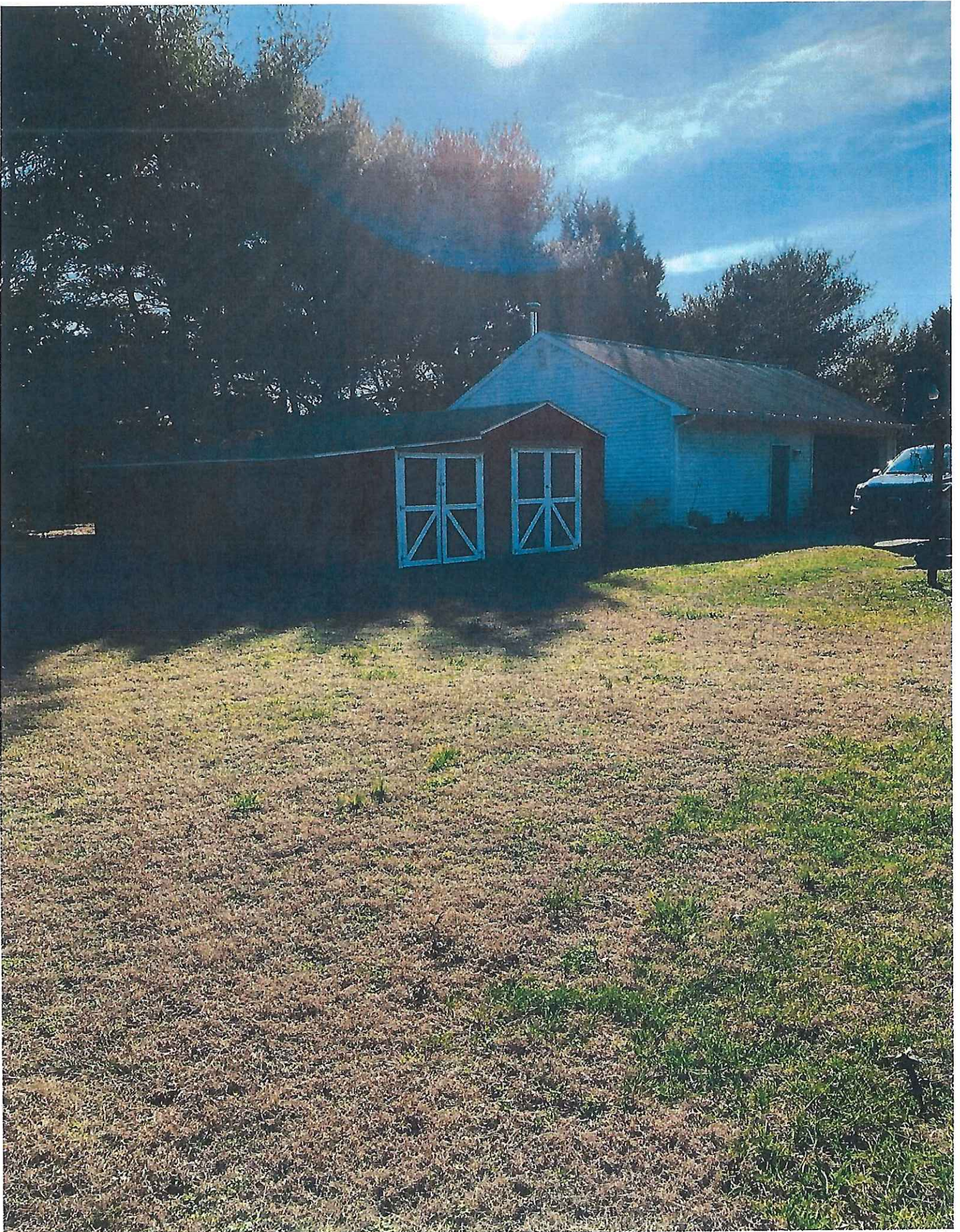


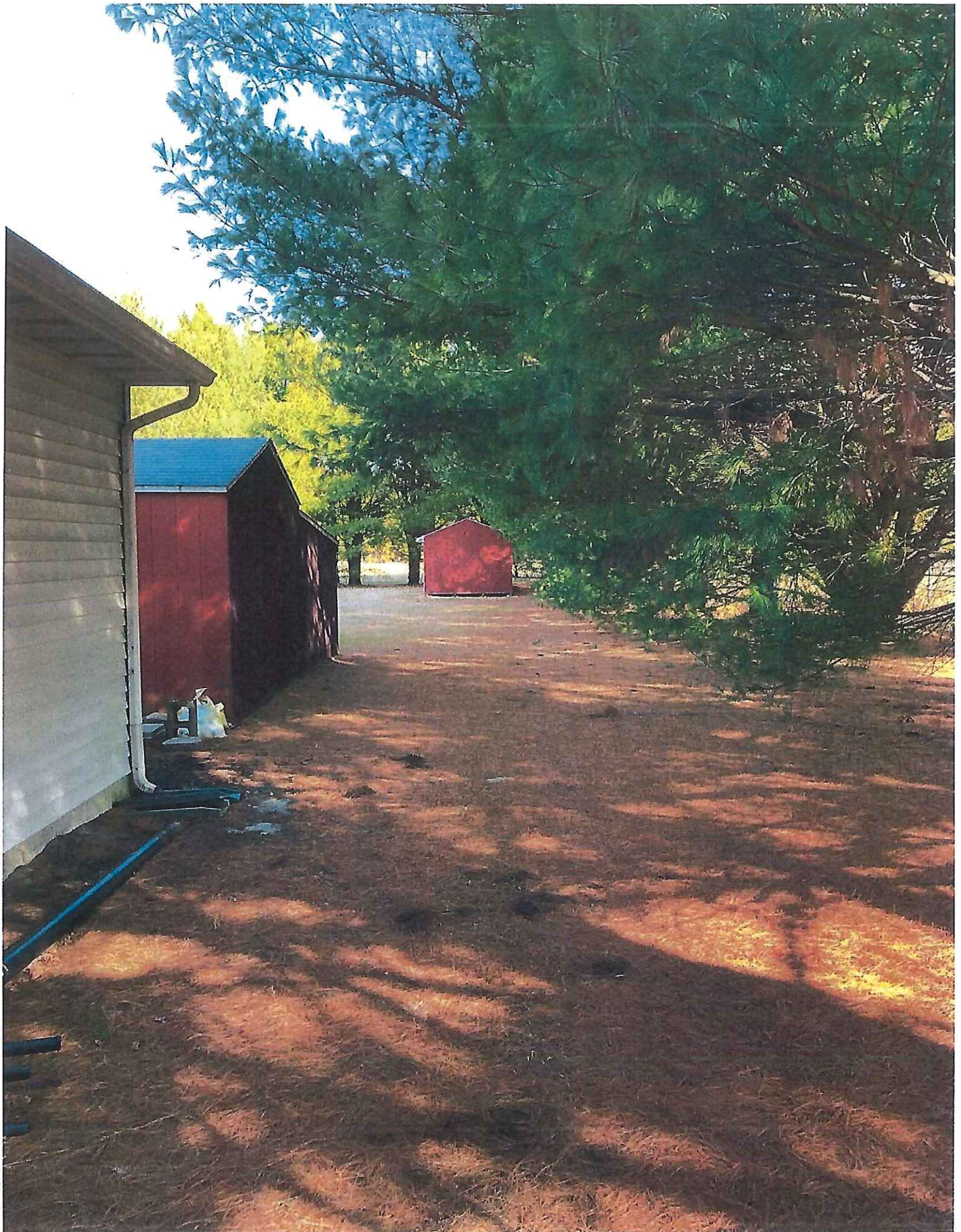
PIN:	133-6.00-56.15
Owner Name	PEARCE RODGER B & KIMBERLY T
Book	3172
Mailing Address	23004 SEAGULL LN
City	GEORGETOWN
State	DE
Description	N/RT 322
Description 2	2400'E/RT 321
Description 3	LOT 1
Land Code	

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









Ann Lepore

12654 - OPPOSITION
TO ADMIN VARIANCE
REQUEST

From: Ashley Paugh
Sent: Sunday, November 21, 2021 2:44 PM
To: Ann Lepore
Subject: Fw: Letter of opposition for second Pierce hardship application 1

Ashley Paugh

Clerk II
Sussex County Council
Planning & Zoning Dept.
2 The Circle, PO Box 417
Georgetown, DE 19947

(302)-855-7878

From: Dominic Mallory <chevelledom@yahoo.com>
Sent: Saturday, November 20, 2021 5:41 PM
To: Ashley Paugh <ashley.paugh@sussexcountyde.gov>
Subject: Letter of opposition for second Pierce hardship application 1

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.

Dear Anne Leopre,

My name is Dominic Mallory, I am the son of Donnalee Mallory and head of household for the neighboring property to the east of the proposed hardship dwelling. We have lived on the property for 32 years and after my father's passing in 2002 I have taken care of my mother and the property for the last 20 years. I am sending another letter of opposition for a hardship house proposal. This letter will be similar to the first considering the new proposed location is adjacent to the first location. The only difference is that the new location will remove a shed and move the house even closer to my house. As stated in my previous letter, I fully understand the situation and feel what Mr. Pierce wants to do for his daughter is great. I am forced to oppose it however based on his desired location, there are other locations that would be better suited. This time I received personal letters with the new proposal. I tried to keep my first letter as impersonal as possible, as I will this one. I do feel I need to address something in Mr. Pierce's letter, he comments on how Hope is unable to discern people's character. I know if I were in his position and knew this I would want my daughter as far away from any people as possible. You have to look into the future with things like this. My mother and I have been recently discussing moving. There are a lot of crazy people in the world these days, none of us have any way of knowing what kind of person could end up living literally right outside of his daughter's window. I also have to look at that from my side of my fence too. Mr. Pierce told me the first time that Hope would always have to be under his care for the rest of his life. Now I would have to sit directly next to a second house always wondering who may move next to me. Who knows, the next people may move into the main house and turn the second house on the property into a party all the time pool house. I don't want to have to leave my mother home alone every day wondering and worrying. This bring me to my second point, a residential structure that is the same as all adjacent residential houses. How is that? Are we not applying for a special hardship permit? It will be two houses on one property, one of which would be right outside my window. I am sitting in my living room listening to Mr. Pierce banging around in the shed he wants to take

down as I am typing this. I can't help but wonder how noisy is a house going to be. You are only in a shed sometimes, a house is all the time. To me this proposal would be noise pollution times two on one property, not normal residential. As far as the vegetative barrier, as stated in my other letter, all of the bottoms have been trimmed out. From the aerial shot it looks great but this is not the case from the ground. I can see the shed from just about anywhere in my front or back yard, the current shed can even be seen all the way from Bunting road. I have two windows on that side of my house that will look directly into the proposed house if two of my own bushes were to die, I could definitely never remove them if I wanted to, guess I'll just have to count on them living forever. Once a second house is built, its there forever right. I don't live over there but growing up spending a lot of time over there with the original owner, I would say about the only place that the proposed house would be hidden from is Mr. Pierce's house itself. Mr. Pierce told me originally he wanted to be able to see his daughter at all times, how can he do this when she is hidden behind the garage? In the surveys that were sent in there is a 10x16 shed that is marked as non-existent, this is not true. This shed was moved between the pool and my property. the place this shed was moved from may be a better and safer location for the proposed hardship house. That location would be in direct view for Mr. Pierce, as well as move Hope as far away from any possible dangers a future neighbor could present. Things change all the time, Mr, John, the property to the west of Mr. Pierce just passed away. There will be a new neighbor on that side soon, what if he lived on my side and Hope was right against the property line? I would be worried to death if it were my daughter. Sussex County has people moving in from all over lately.

I will send some pictures to give a better understanding of my view. I will also be sending a personal letter written by my mother addressing the situation.

I am sorry we have to do all of this and can't just rationally discuss it but it seems that was never an option from day one. I wish Hope all the best in getting her house and gaining independence, but i have to oppose the proposed location. I'm not trying to be the bad guy here and don't care what Mr. Pierce does on his side of my fence as long as it is not affecting me, which this proposal would permanently do. I was born and raised on Delmarva where people try to be good neighbors, which I think everyone needs to try a little harder at these days. This is why my letter of opposition is only for the location, Im trying to make a compromise and not just say I completely oppose it. I can only hope Mr. Pierce wants to try and be a good neighbor as well and will move his plans away from my house. I don't feel like this is too much to ask.

Thank you for your time,
Dominic Bruno Mallory













**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 # 12654
Hearing Date 1/24
202117608

Type of Application: (please check all applicable)

Variance
Special Use Exception
Administrative Variance
Appeal

Existing Condition
Proposed
Code Reference (office use only)
115-82 115-182
115-183

Site Address of Variance/Special Use Exception:

2400 +/- FEET SOUTH OF LONGNECK ROAD WEST SIDE OF JOHN J WILLIAMS HWY(SR24)

Variance/Special Use Exception/Appeal Requested:

A 6.58' variance is requested for the front yard setback (53.42' instead of 60').
A 10' variance is requested for the rear yard setback (20' instead of 30').

Tax Map #: 234-23.00-180.00
234-23.00-181.00

Property Zoning: C-1

Applicant Information

Applicant Name: ROJAN LN 21, LLC
Applicant Address: 2213 CONCORD PIKE
City WILLMINGTON State DE Zip: 19803
Applicant Phone #: (302) 654-6153 Applicant e-mail: ROBERT@AERENSON.COM

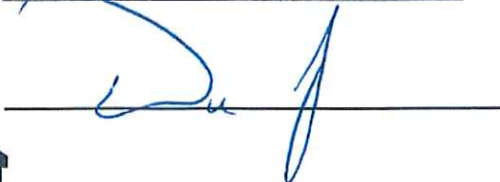
Owner Information

Owner Name: DMR.PROPERTIES, LLC
Owner Address: P.O. BOX 212
City LEWES State DE Zip: 19958 Purchase Date: _____
Owner Phone #: (302) 644-1400 Owner e-mail: PDYER@LANDVENTURES.COM

Agent/Attorney Information

Agent/Attorney Name: DAVID HUTT, ESQUIRE | MORRIS JAMES MARK DAVIDSON | PENNONI
Agent/Attorney Address: 107 WEST MARKET ST. 18072 DAVIDSON DR.
City GEORGETOWN, DE 19947 MILTON, DE 19968
Agent/Attorney Phone #: (302) 856 0018 (302) 684 6207
DHUTT@MORRISJAMES.COM MDAVIDSON@PENNONI.COM

Signature of Owner/Agent/Attorney



Date: 12/2/2021



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 subject property is shallow in depth for commercial activity, which results in an exceptional practical difficulty for a commercial use with its required parking. In addition, if current front and rear setbacks are applied, the resulting building shape and placement make it difficult for customers, employees and deliveries to safely negotiate the interior of the property, causing unsafe travel circulation.

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.

Due to the impact of the property's shallowness on the building envelope and the resulting difficulties that creates for safe vehicular movement, the property cannot be commercially developed consistent with its zoning classification in a manner that is safe for the owner, as well as the owner's employees, contractors, delivery persons and customers.

3. Not created by the applicant:

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

The exceptional practical difficulty created by the shallowness of the lots arose when DelDOT took 26' feet from the frontage of the lots in order to widen Route 24 (John J. Williams Highway). In addition, DelDOT has a permanent easement across another 15' of the property which the applicant is working with DelDOT to reduce to 5'. The shallowness was created by DelDOT's actions, not the actions of the applicant.

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 proposed use is in keeping with the current zoning district and the existing character along Route 24 which has similar small commercial businesses along this Major Collector as classified by DelDOT. In addition, the applicant proposes that it be required to install a solid fence along the rear boundary of the property to establish a physical buffer with the neighbors to the rear of the property.

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 6.58' variance request for the front yard setback (53.42' setback instead of 60') and 10' variance request for the rear yard setback (20' setback instead of 30') represent the minimum required to construct a small 4,000 square foot building, its required parking, and still maintain safe vehicular movements for the owner, employees, delivery persons and customers.

METES AND BOUNDS DESCRIPTION**LANDS NOW OR FORMERLY OF
DMR PROPERTIES, LLC
INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE****TAX MAP 234-23.00-180.00**

All that certain piece, parcel and tract lying in Indian River Hundred, Sussex County, Delaware and being more particularly described as follows

BEGINNING at a point, said point lying on the westerly right-of-way of Sussex County Route 24 and being a corner for this Parcel and Lands now or formerly of DMR Properties, LLC.; thence by and with this Parcel and Lands now or formerly of DMR Properties, LLC.; North 79 degrees, 14 minutes, 45 seconds West, 124.00 feet to a point, said point being a corner for this Parcel and the common boundary line of Lands now or formerly of Ruth E. Harrington; thence by and with this Parcel and the common boundary line of Lands now or formerly of Ruth E. Harrington, North 10 degrees, 45 minutes, 15 seconds East, 150.00 feet to a point, said point being a corner for this Parcel and Lands now or formerly of Marilyn Thomas; thence by and with this Parcel and Lands now or formerly of Marilyn Thomas, South 79 degrees, 14 minutes, 45 seconds East, 124.00 feet to a point, said point being a corner for this Parcel and lying on the westerly right-of-way of Sussex County Route 24; thence by and with this Parcel and the westerly right-of-way of Sussex County Route 24, South 10 degrees, 45 minutes, 15 seconds West, 150.00 feet to a point, said point being the Point of Beginning for this description.

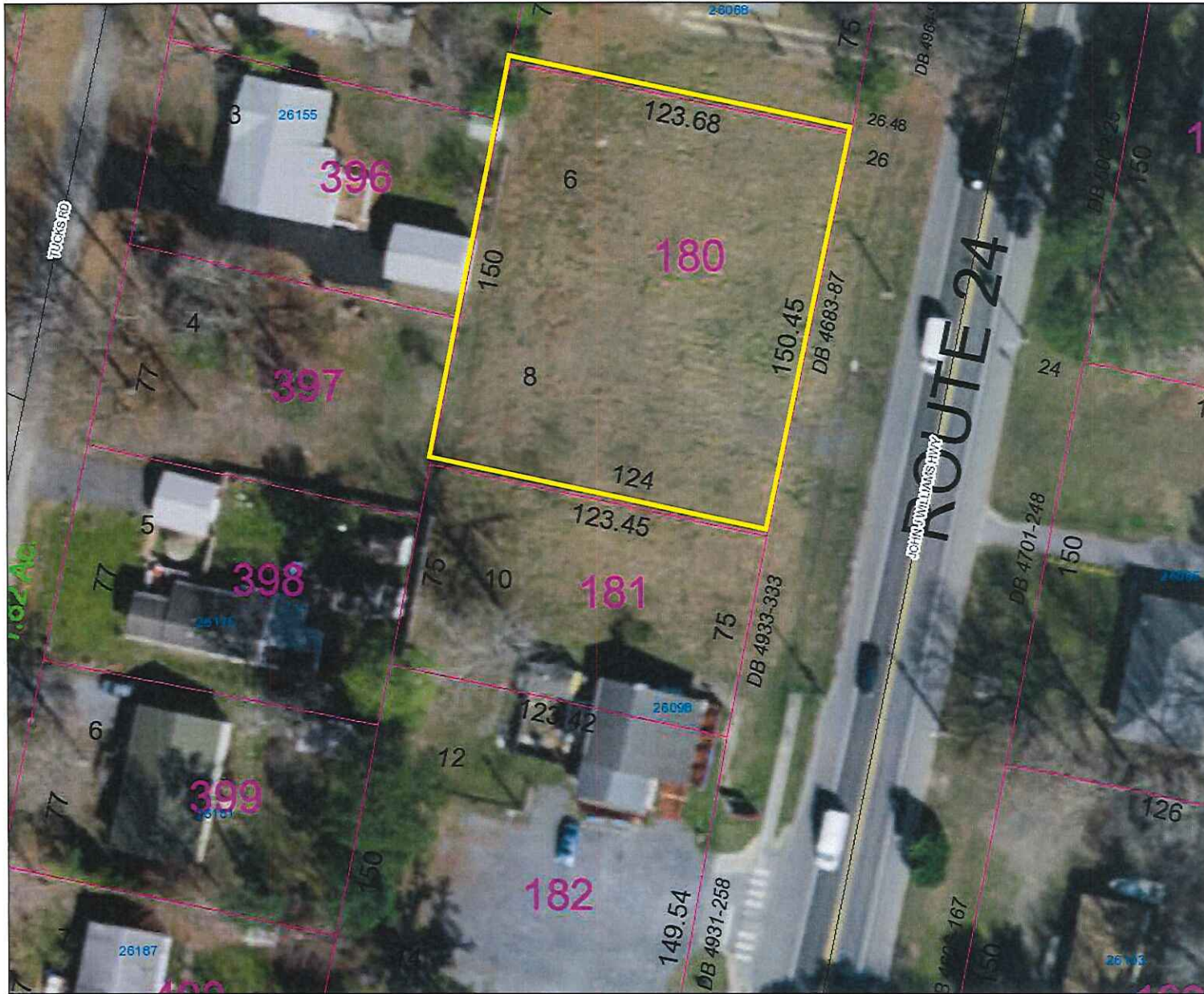
This Parcel contains 18,600 square feet, more or less.

METES AND BOUNDS DESCRIPTION**LANDS NOW OR FORMERLY OF
DMR PROPERTIES, LLC
INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE****TAX MAP 234-23.00-181.00**

All that certain piece, parcel and tract lying in Indian River Hundred, Sussex County, Delaware and being more particularly described as follows

BEGINNING at a point, said point lying on the westerly right-of-way of Sussex County Route 24 and being a corner for this Parcel and Lands now or formerly of Matt Ahmet Cinar; thence by and with this Parcel and Lands now or formerly of Matt Ahmet Cinar, North 79 degrees, 14 minutes, 45 seconds West, 123.42 feet to a point, said point being a corner for this Parcel and lying on a common boundary line with Lands now or formerly of Walter and Mary Donaldson; thence by and with this Parcel and the common boundary line of Lands now or formerly of Walter and Mary Donaldson, North 10 degrees, 45 minutes, 15 seconds East, 75.00 feet to a point, said point being a corner for this Parcel and Lands now or formerly of DMR Properties, LLC.; thence by and with this Parcel and Lands now or formerly of DMR Properties, LLC., South 79 degrees, 14 minutes, 45 seconds, East 123.45 feet to a point, said point being a corner for this Parcel and lying on the westerly right-of-way of Sussex County Route 24; thence by and with this Parcel and the westerly right-of-way of Sussex County Route 24, South 10 degrees, 46 minutes, 37 seconds West, 75.00 feet to a point, said point being the Point of Beginning for this description.

This Parcel contains 9,258 square feet, more or less.

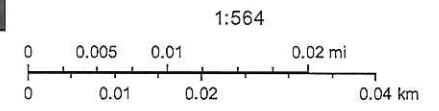


PIN:	234-23.00-180.00	
Owner Name	DMR	PROPERTIES LLC
Book	4683	
Mailing Address	PO BOX 212	
City	LEWES	
State	DE	
Description	W/HWY MILLSBORO TO	
Description 2	LEWES LOTS 6 8	
Description 3	N/A	
Land Code		

- polygonLayer

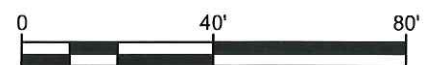
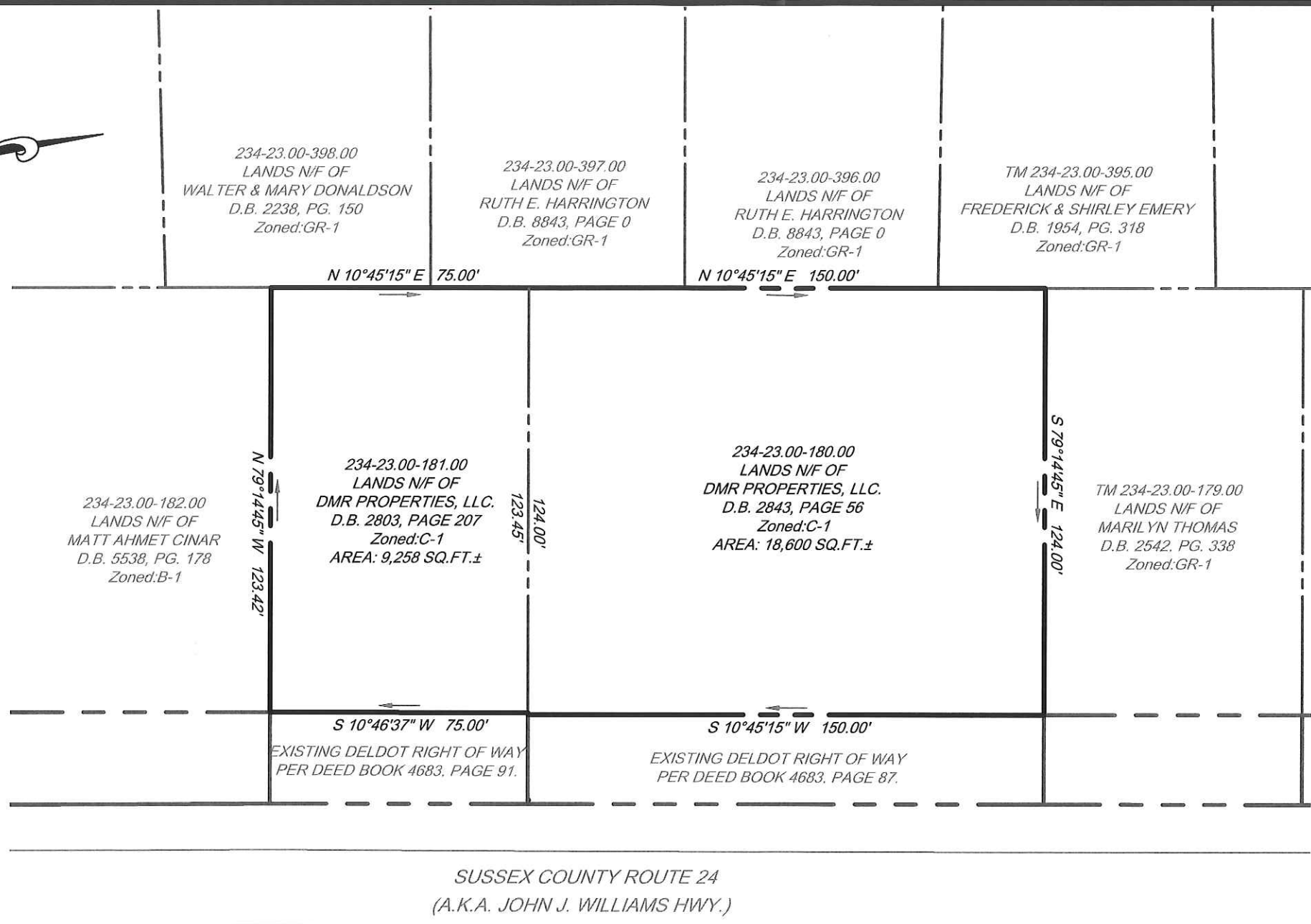
 - Override 1
- polygonLayer

 - Override 1
- ⋮ Tax Parcels
- 911 Address
- Streets
- ⋮ County Boundaries



REVISIONS			
NO.	DESCRIPTION	DATE	BY
#	#	#	#

- NOTES**
1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM PLAT BOOK 1, PAGE 159 AND IS NOT 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.



SURVEY CLASSIFICATION: SUBURBAN
 LOT AREA: 234-23.00-180.00 = 18,600 SQ.FT.±
 234-23.00-181.00 = 9,258 SQ.FT.±
 PLAT REF.: PLAT BOOK 1, PAGE 159



Pennoni

PENNONI ASSOCIATES INC.
 18072 Davidson Drive
 Milton, DE 19968
 T 302.684.8030 F 302.684.8054

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

TM: 234-23.00-180.00 & 181.00, LANDS N/F OF DMR PROPERTIES, LLC.
 JOHN J. WILLIAMS HIGHWAY, INDIAN RIVER HUNDRED
 SUSSEX COUNTY, DELAWARE

BOUNDARY PLAN

ROJAN LN 21, LLC.
 2213 CONCORD PIKE
 WILMINGTON, DELAWARE 19803

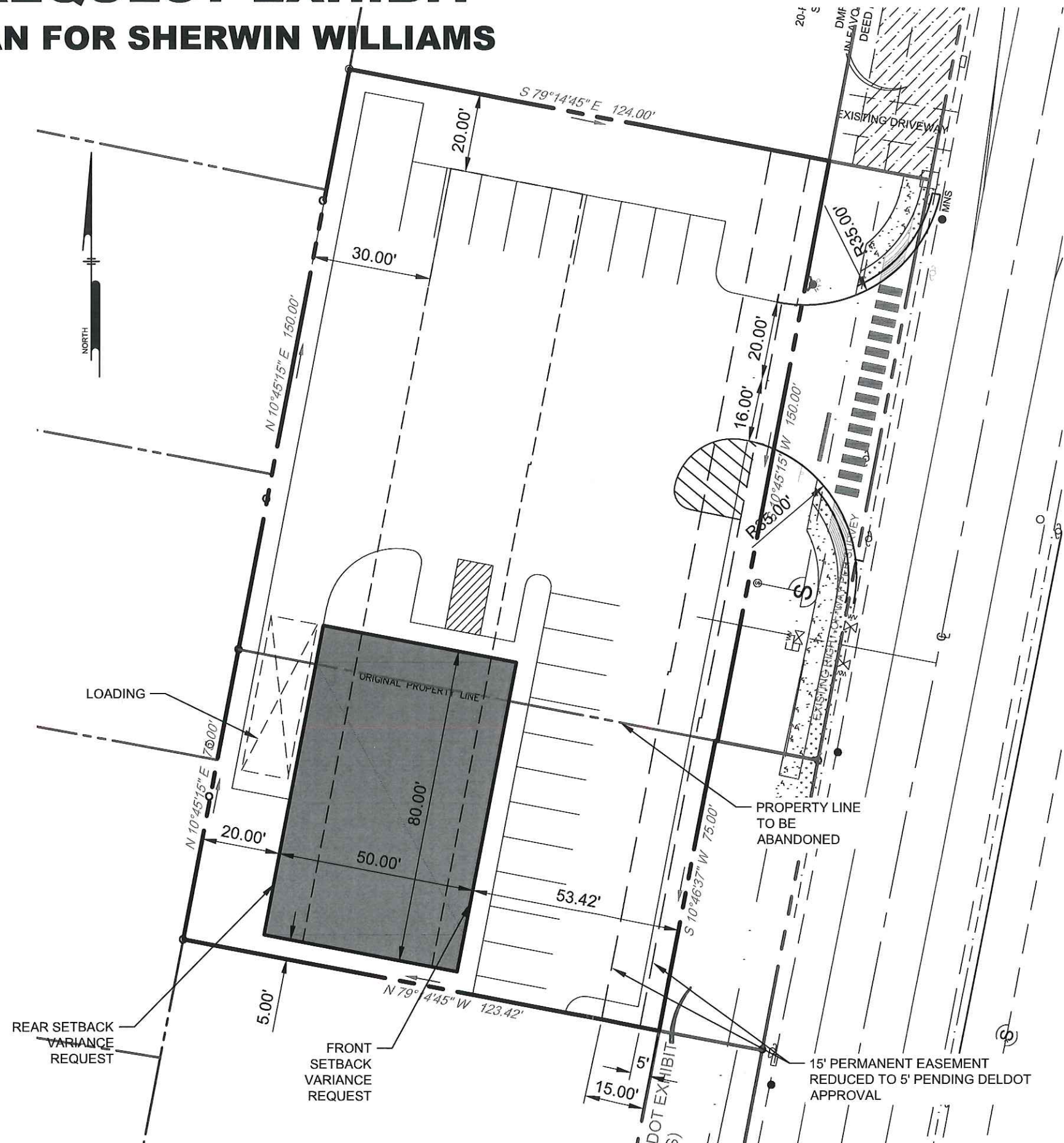
PROJECT	ROJAN 21001
DATE	2021-12-01
DRAWING SCALE	1" = 40'
DRAWN BY	KMD
APPROVED BY	AMD
V-0201	
SHEET 1 OF 1	

PLOTTED: 12/1/2021 10:06:20 AM BY: ERIC W. WAHL PLOTSTYLE: PENNONI NCS.STB, PROJECT STATUS: ---

VARIANCE REQUEST EXHIBIT

CONCEPTUAL PLAN FOR SHERWIN WILLIAMS

23-NOV-2021



SITE STATISTICS

TAX ID 234-23.00-180.00 AND 181.00

ZONING C-1 (COMMERCIAL)

SETBACKS FY 60'
SY 5' (20' ADJ TO RESIDENTIAL)
RY 5' (30' ADJ TO RESIDENTIAL)

PROPOSED USE: RETAIL (4,000 SF)

PARKING REQUIRED: 1 PER 200 SF PATRON AREA
 $4,000 \text{ SF} \times 75\% = 3,000 / 200 = 15 \text{ SPACES}$

RETAIL PARKING PROVIDED 22 SPACES

LOADING SPACES PROVIDED (1) 12' x 40' SPACES

VARIANCE REQUESTS:

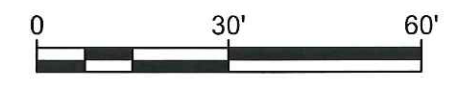
REAR SETBACK LINE 20' (REDUCED BY 10 FEET)

FRONT SETBACK LINE 53.42' (REDUCED BY 6.58 FEET)

ADDITIONAL NOTES:

15' PERMANENT DELDOT EASEMENT REDUCED TO 5' WIDE PENDING DELDOT APPROVAL

THIS CONCEPT PLAN BASED ON SURVEY INFORMATION PROVIDED PREVIOUSLY BY DC GROUP, DATED 2004 AND BOUNDARY PLAN CREATED BY PENNONI DATED 2021. ALL DATA TO BE CONFIRMED AND VERIFIED BY PENNONI.



PENNONI ASSOCIATES INC.
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